

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending ss.  
3           985.01 and 985.02, F.S.; revising intent language;  
4           amending s. 985.03, F.S.; revising definitions;  
5           amending s. 985.0301, F.S.; clarifying jurisdiction  
6           age restrictions for youth in the juvenile justice  
7           system; restricting when cases can be transferred to a  
8           different jurisdiction; amending s. 985.037, F.S.;  
9           providing a child may be placed in secure detention  
10          facility for contempt of court; providing due process  
11          to a youth accused of direct contempt; revises  
12          procedure for reviewing a youth's placement in secure  
13          detention for contempt of court; amending s. 985.045,  
14          F.S.; correcting cross-reference citations; repealing  
15          s. 985.105, F.S., relating to the creation, duties,  
16          and qualifications of the department's youth custody  
17          officer; amending s. 985.11, F.S.; revising when  
18          fingerprints must be submitted to the Department of  
19          Law Enforcement; amending s. 985.14, F.S.; revising  
20          the intake process; amending s. 985.145, F.S.;  
21          revising "juvenile probation officer" to "department"  
22          throughout; creating s. 985.17, F.S.; providing intent  
23          language; providing department shall provide  
24          specialized services to minimize likelihood youth will  
25          enter the juvenile justice system; providing the  
26          department must promote the Invest in Children license

27 | plate to help fund prevention programs and services;  
 28 | providing department monitor state funded programs,  
 29 | grants, contracts, appropriations, and activities  
 30 | designed to prevent juvenile crime and report annually  
 31 | on these measures; limiting expenditure of funds to  
 32 | those prevention services that are consistent with the  
 33 | law and maximizes public accountability; amending s.  
 34 | 985.24, F.S.; revising factors to determine if use of  
 35 | detention care is appropriate; providing department  
 36 | authority to establish evening reporting centers;  
 37 | conforming terminology; amending s. 985.245, F.S.;  
 38 | conforming terminology; amending s. 985.25, F.S.;  
 39 | providing youth shall be held in secure detention  
 40 | under certain circumstances; clarifying procedures for  
 41 | releasing a youth prior to detention hearing; revision  
 42 | "juvenile probation officer" to "department"  
 43 | throughout section; conforming terminology; amending  
 44 | s. 985.255, F.S.; providing a detention hearing must  
 45 | occur within 24 hours of a youth being taken into  
 46 | custody; clarifying when a court may order continued  
 47 | detention care; revising specified factors for  
 48 | ordering continued detention care; clarifying when a  
 49 | youth charged with domestic violence can be held in  
 50 | secure detention; revising written findings required  
 51 | to retain a child charged with domestic violence in  
 52 | secure detention; deleting obsolete provisions;

53 amending s. 985.26, F.S.; conforming terminology;  
 54 amending s. 985.265, F.S.; revising procedures for  
 55 transferring a youth's detention status; providing new  
 56 notification requirements for when a child is released  
 57 or transferred from secure detention; revising  
 58 frequency of physical observation checks for youth  
 59 detained in jail facilities; amending s. 985.27, F.S.;  
 60 providing youth pending placement in high risk or  
 61 maximum risk residential commitment must be held in  
 62 secure detention pending placement; conforming  
 63 terminology; amending s. 985.275, F.S.; providing  
 64 department must notify specified parties when a youth  
 65 absconds from commitment program and make reasonable  
 66 effort to locate absconded youth; amending s. 985.433,  
 67 F.S.; revising content of predisposition report;  
 68 conforming terminology; amending s. 985.435, F.S.;  
 69 providing a probation program may include an  
 70 alternative consequence component that may be utilized  
 71 to address noncompliance with the technical conditions  
 72 of probation; providing department must identify  
 73 youths' risk to reoffend if being placed on probation  
 74 or postcommitment probation; amending s. 985.439,  
 75 F.S.; providing department authority to establish  
 76 alternative sanctions for violations of probation;  
 77 conforming terminology; amending s. 985.441, F.S.;  
 78 revising when a youth can be committed as a result of

79 a violation of probation; conforming terminology;  
 80 amending s. 985. 46, F.S.; revising the definition of  
 81 conditional release; clarifying language; amending s.  
 82 985.461, F.S.; expands opportunity for transition-to-  
 83 adulthood services to all youth; revising the  
 84 provisions department may use to support participation  
 85 in transition-to-adulthood services; conforming  
 86 terminology; amending ss. 985.481 and 985.4815, F.S.;  
 87 deleting obsolete date requirement; amending s.  
 88 985.601, F.S.; providing the department's program  
 89 include areas of trauma-informed care, family  
 90 engagement resources, and gender-specific programming;  
 91 providing department may pay the expenses of programs  
 92 that address youths' needs; conforming terminology;  
 93 repealing s. 985.605, F.S.; deleting provisions  
 94 relating to prevention service program; repealing s.  
 95 985.606, F.S.; deleting provisions relating to  
 96 prevention services providers; repealing s. 985.61,  
 97 F.S.; deleting provisions relating to early  
 98 delinquency intervention programs; amending s.  
 99 985.632, F.S.; providing establishment of performance  
 100 accountability system for contract providers;  
 101 providing for the development of comprehensive  
 102 accountability report; providing department will  
 103 prepare and submit the report annually to the  
 104 Legislature; providing content which must be included

105 in the comprehensive accountability report; clarifying  
 106 language of the cost-effectiveness model; clarifying  
 107 language; amending s. 985.644, F.S.; clarifying  
 108 exemption for specified certified law enforcement  
 109 officers, correctional, and correctional probation  
 110 officers from requirement to submit to Level 2  
 111 background screenings; creating s. 985.6441, F.S.;  
 112 creating limitations on the amount the department may  
 113 pay a hospital or health care provider for health care  
 114 services based on a percentage of the Medicare  
 115 allowable rate; amending s. 985.66, F.S.; revising  
 116 staff development and training procedures; expanding  
 117 application of training requirements to contract  
 118 providers who care for youth in department's custody;  
 119 amending s. 985.664, F.S.; deleting obsolete  
 120 provisions relating to the initial selection of the  
 121 juvenile justice circuit advisory board chairs;  
 122 revising procedure for appointing and removing  
 123 juvenile justice circuit advisory board chairs;  
 124 amending s. 985.672, F.S.; revising the use of the  
 125 expenditures of the direct support organization's  
 126 funds; providing direct support organizations may use  
 127 department personnel services for certain services;  
 128 amending s. 985.682, F.S.; deleting obsolete  
 129 provisions regarding the comprehensive study relating  
 130 to the siting of facilities; amending s. 985.694,

131 F.S.; providing for "repair and maintenance" funding;  
 132 repealing s. 985.694, F.S.; deleting provision  
 133 relating to Juvenile Care and Maintenance Trust Fund;  
 134 amending s. 985.701, F.S.; defining the term "juvenile  
 135 offender" for purposes of prohibiting sexual  
 136 misconduct with juvenile offenders; creating s.  
 137 985.702, F.S.; providing definitions; providing for  
 138 the imposition of criminal penalties against specified  
 139 employees who inflict neglect upon juvenile offenders;  
 140 providing enhanced penalties for such treatment that  
 141 results in great bodily harm, permanent disability, or  
 142 permanent disfigurement to a juvenile offender;  
 143 specifying that such conduct constitutes sufficient  
 144 cause for an employee's dismissal from employment;  
 145 prohibiting such employee from future employment with  
 146 the juvenile justice system; providing incident  
 147 reporting requirements; prohibiting an employee who  
 148 witnesses such an incident from knowingly or willfully  
 149 failing to report; prohibiting false reporting,  
 150 preventing another from reporting, or coercing another  
 151 to alter testimony or reports; providing penalties;  
 152 amending s. 985.721, F.S.; correcting cross reference  
 153 citations; amending s. 943.0582, F.S.; clarifying that  
 154 youth are not eligible for expunction if they have  
 155 been charged by a state attorney for other crimes;  
 156 repealing s. 945.75, F.S.; deleting a requirement that

157 the Department of Corrections and counties develop  
 158 programs under which a judge may order juveniles who  
 159 have committed delinquent acts to tour correctional  
 160 facilities; amending s. 121.0515, F.S.; conforming  
 161 provisions to changes made by the act; providing an  
 162 effective date.

163  
 164 Be It Enacted by the Legislature of the State of Florida:

165  
 166 Section 1. Section 985.01, Florida Statutes, is amended to  
 167 read:

168 985.01 Purposes and intent.—

169 (1) The purposes of this chapter are:

170 (a) To increase public safety by reducing juvenile  
 171 delinquency through effective prevention, intervention, and  
 172 treatment services that strengthen and reform the lives of  
 173 children.

174 (b) To provide judicial and other procedures to assure due  
 175 process through which children, victims, and other interested  
 176 parties are assured fair hearings by a respectful and respected  
 177 court or other tribunal and the recognition, protection, and  
 178 enforcement of their constitutional and other legal rights,  
 179 while ensuring that public safety interests and the authority  
 180 and dignity of the courts are adequately protected.

181 (c) ~~(b)~~ To provide ~~for the care, safety, and protection of~~  
 182 ~~children in~~ an environment that fosters healthy social,

183 emotional, intellectual, educational, and physical development;  
 184 to ensure secure and safe custody; and to promote the health and  
 185 well-being of all children under the state's care.

186 (d)~~(e)~~ To ensure the protection of society, by providing  
 187 for a comprehensive standardized assessment of the child's needs  
 188 so that the most appropriate control, discipline, punishment,  
 189 and treatment can be administered consistent with the  
 190 seriousness of the act committed, the community's long-term need  
 191 for public safety, the prior record of the child, and the  
 192 specific rehabilitation needs of the child, while also  
 193 providing, whenever possible, restitution to the victim of the  
 194 offense.

195 (e)~~(d)~~ To preserve and strengthen the child's family ties  
 196 whenever possible, by providing for removal of the child from  
 197 the physical custody of a parent ~~parental custody~~ only when his  
 198 or her welfare or the safety and protection of the public cannot  
 199 be adequately safeguarded without such removal; and, when the  
 200 child is removed from his or her own family, to secure custody,  
 201 care, and discipline for the child as nearly as possible  
 202 equivalent to that which should have been given by the parents,  
 203 ~~and to assure, in all cases in which a child must be permanently~~  
 204 ~~removed from parental custody, that the child be placed in an~~  
 205 ~~approved family home, adoptive home, independent living program,~~  
 206 ~~or other placement that provides the most stable and permanent~~  
 207 ~~living arrangement for the child, as determined by the court.~~

208 (f)~~(e)~~1. To assure that the adjudication and disposition

209 of a child alleged or found to have committed a violation of  
 210 Florida law be exercised with appropriate discretion and in  
 211 keeping with the seriousness of the offense and the need for  
 212 treatment services, and that all findings made under this  
 213 chapter be based upon facts presented at a hearing that meets  
 214 the constitutional standards of fundamental fairness and due  
 215 process.

216 2. To assure that the sentencing and placement of a child  
 217 tried as an adult be appropriate and in keeping with the  
 218 seriousness of the offense and the child's need for  
 219 rehabilitative services, and that the proceedings and procedures  
 220 applicable to such sentencing and placement be applied within  
 221 the full framework of constitutional standards of fundamental  
 222 fairness and due process.

223 (g) ~~(f)~~ To provide children committed to the department  
 224 with training in life skills, including career and technical  
 225 education, where appropriate.

226 (h) To care for children in the least restrictive and most  
 227 appropriate service environments.

228 (i) To allocate resources for the most effective programs,  
 229 services, and treatments to ensure that children, their  
 230 families, and their community support systems are connected with  
 231 these programs at the most impactful points along the juvenile  
 232 justice continuum.

233 (2) It is the intent of the Legislature that this chapter  
 234 be liberally interpreted and construed in conformity with its

235 declared purposes.

236 Section 2. Section 985.02, Florida Statutes, is amended to  
237 read:

238 985.02 Legislative intent for the juvenile justice  
239 system.—

240 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
241 the Legislature that the children of this state be provided with  
242 the following protections:

243 (a) Protection from abuse, neglect, and exploitation.

244 (b) A permanent and stable home.

245 (c) A safe and nurturing environment which will preserve a  
246 sense of personal dignity and integrity.

247 (d) Adequate nutrition, shelter, and clothing.

248 (e) Effective treatment to address physical, social, and  
249 emotional needs, regardless of geographical location.

250 (f) Equal opportunity and access to quality and effective  
251 education, which will meet the individual needs of each child,  
252 and to recreation and other community resources to develop  
253 individual abilities.

254 (g) Access to preventive services.

255 ~~(h) An independent, trained advocate when intervention is~~  
256 ~~necessary, and a skilled guardian or caretaker in a safe~~  
257 ~~environment when alternative placement is necessary.~~

258 (h)(i) Gender-specific programming and gender-specific  
259 program models and services that comprehensively address the  
260 needs of a targeted gender group.

261 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that  
262 children in the care of the state's ~~dependency and~~ delinquency  
263 systems need appropriate health care services, that the impact  
264 of substance abuse on health indicates the need for health care  
265 services to include substance abuse services where appropriate,  
266 and that it is in the state's best interest that such children  
267 be provided the services they need to enable them to become and  
268 remain independent of state care. In order to provide these  
269 services, the state's ~~dependency and~~ delinquency systems must  
270 have the ability to identify and provide appropriate  
271 intervention and treatment for children with personal or family-  
272 related substance abuse problems. It is therefore the purpose of  
273 the Legislature to provide authority for the state to contract  
274 with community substance abuse treatment providers for the  
275 development and operation of specialized support and overlay  
276 services for the ~~dependency and~~ delinquency system systems,  
277 which will be fully implemented and utilized as resources  
278 permit.

279 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the  
280 policy of the state with respect to juvenile justice and  
281 delinquency prevention to first protect the public from acts of  
282 delinquency. In addition, it is the policy of the state to:

283 (a) Develop and implement effective methods of preventing  
284 and reducing acts of delinquency, with a focus on maintaining  
285 and strengthening the family as a whole so that children may  
286 remain in their homes or communities.

287 (b) Develop and implement effective programs to prevent  
 288 delinquency, to divert children from the traditional juvenile  
 289 justice system, to intervene at an early stage of delinquency,  
 290 and to provide critically needed alternatives to  
 291 institutionalization and deep-end commitment.

292 (c) Provide well-trained personnel, high-quality services,  
 293 and cost-effective programs within the juvenile justice system.

294 (d) Increase the capacity of local governments and public  
 295 and private agencies to conduct rehabilitative treatment  
 296 programs and to provide research, evaluation, and training  
 297 services in the field of juvenile delinquency prevention.

298  
 299 ~~The Legislature intends that detention care, in addition to~~  
 300 ~~providing secure and safe custody, will promote the health and~~  
 301 ~~well-being of the children committed thereto and provide an~~  
 302 ~~environment that fosters their social, emotional, intellectual,~~  
 303 ~~and physical development.~~

304 (4) DETENTION.—

305 (a) The Legislature finds that there is a need for a  
 306 secure placement for certain children alleged to have committed  
 307 a delinquent act. The Legislature finds that detention should be  
 308 used only when less restrictive interim placement alternatives  
 309 prior to adjudication and disposition are not appropriate. The  
 310 Legislature further finds that decisions to detain should be  
 311 based in part on a prudent assessment of risk and be limited to  
 312 situations where there is clear and convincing evidence that a

313 child presents a risk of failing to appear or presents a  
 314 substantial risk of inflicting bodily harm on others as  
 315 evidenced by recent behavior; presents a history of committing a  
 316 serious property offense prior to adjudication, disposition, or  
 317 placement; has acted in direct or indirect contempt of court; or  
 318 requests protection from imminent bodily harm.

319 (b) The Legislature intends that a juvenile found to have  
 320 committed a delinquent act understands the consequences and the  
 321 serious nature of such behavior. Therefore, the Legislature  
 322 finds that secure detention is appropriate to provide punishment  
 323 for children who pose a threat to public safety ~~that discourages~~  
 324 ~~further delinquent behavior~~. The Legislature also finds that  
 325 certain juveniles have committed a sufficient number of criminal  
 326 acts, including acts involving violence to persons, to represent  
 327 sufficient danger to the community to warrant sentencing and  
 328 placement within the adult system. It is the intent of the  
 329 Legislature to establish clear criteria in order to identify  
 330 these juveniles and remove them from the juvenile justice  
 331 system.

332 (5) SITING OF FACILITIES.—

333 (a) The Legislature finds that timely siting and  
 334 development of needed residential facilities for juvenile  
 335 offenders is critical to the public safety of the citizens of  
 336 this state and to the effective rehabilitation of juvenile  
 337 offenders.

338 (b) It is the purpose of the Legislature to guarantee that

339 such facilities are sited and developed within reasonable  
 340 timeframes after they are legislatively authorized and  
 341 appropriated.

342 (c) The Legislature further finds that such facilities  
 343 must be located in areas of the state close to the home  
 344 communities of the children they house in order to ensure the  
 345 most effective rehabilitation efforts, ~~and the most intensive~~  
 346 ~~postrelease supervision,~~ and case management. The placement of  
 347 facilities close to the home communities of the children they  
 348 house is also intended to facilitate family involvement in the  
 349 treatment process. Residential facilities shall have no more  
 350 than 90 ~~165~~ beds each, including campus-style programs, unless  
 351 those campus-style programs include more than one ~~level of~~  
 352 ~~restrictiveness, provide multilevel education and treatment~~  
 353 program programs using different treatment protocols, and have  
 354 facilities that coexist separately in distinct locations on the  
 355 same property.

356 (d) It is the intent of the Legislature that all other  
 357 departments and agencies of the state shall cooperate fully with  
 358 the Department of Juvenile Justice to accomplish the siting of  
 359 facilities for juvenile offenders.

360  
 361 The supervision, counseling, and rehabilitative treatment, ~~and~~  
 362 ~~punitive~~ efforts of the juvenile justice system should avoid the  
 363 inappropriate use of correctional programs and large  
 364 institutions. ~~The Legislature finds that detention services~~

365 ~~should exceed the primary goal of providing safe and secure~~  
 366 ~~eustody pending adjudication and disposition.~~

367 (6) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

368 Parents, custodians, and guardians are deemed by the state to be  
 369 responsible for providing their children with sufficient  
 370 support, guidance, and supervision to deter their participation  
 371 in delinquent acts. The state further recognizes that the  
 372 ability of parents, custodians, and guardians to fulfill those  
 373 responsibilities can be greatly impaired by economic, social,  
 374 behavioral, emotional, and related problems. It is therefore the  
 375 policy of the Legislature that it is the state's responsibility  
 376 to ensure that factors impeding the ability of caretakers to  
 377 fulfill their responsibilities are identified through the  
 378 delinquency intake process and that appropriate recommendations  
 379 to address those problems are considered in any judicial or  
 380 nonjudicial proceeding. Nonetheless, as it is also the intent of  
 381 the Legislature to preserve and strengthen the child's family  
 382 ties, it is the policy of the Legislature that the emotional,  
 383 legal, and financial responsibilities of the caretaker with  
 384 regard to the care, custody, and support of the child continue  
 385 while the child is in the physical or legal custody of the  
 386 department.

387 (7) GENDER-SPECIFIC PROGRAMMING.—

388 (a) The Legislature finds that the ~~prevention, treatment,~~  
 389 ~~and rehabilitation~~ needs of children ~~youth~~ served by the  
 390 juvenile justice system are gender-specific. A gender-specific

391 approach is one in which programs, services, and treatments  
 392 comprehensively address the unique developmental needs of a  
 393 targeted gender group under the care of the department. Young  
 394 women and men have different pathways to delinquency, display  
 395 different patterns of offending, and respond differently to  
 396 interventions, treatment, and services.

397 ~~—— (b) Gender-specific programming refers to unique program~~  
 398 ~~models and services that comprehensively address the needs of a~~  
 399 ~~targeted gender group. Gender-specific services require the~~  
 400 ~~adherence to the principle of equity to ensure that the~~  
 401 ~~different interests of young women and men are recognized and~~  
 402 ~~varying needs are met, with equality as the desired outcome.~~  
 403 Gender-specific interventions focus ~~programming focuses~~ on the  
 404 differences between young females' and young males' social roles  
 405 and responsibilities, ~~positions in society,~~ access to and use of  
 406 resources, history of trauma, and reasons for interaction with  
 407 the juvenile justice system ~~and social codes governing behavior.~~  
 408 Gender-specific programs increase the effectiveness of programs  
 409 by making interventions more appropriate to the specific needs  
 410 of young women and men and ensuring that these programs do not  
 411 unknowingly create, maintain, or reinforce gender roles or  
 412 relations that may be damaging.

413 (8) TRAUMA-INFORMED CARE.—The Legislature finds that the  
 414 department should utilize trauma-informed care as an approach to  
 415 treating children with histories of trauma. Trauma-informed  
 416 care assists service providers in recognizing the symptoms of

417 trauma and acknowledges the role trauma has played in the  
418 child's life. Services for children should be based on an  
419 understanding of the vulnerabilities and triggers of trauma  
420 survivors that traditional service delivery approaches may  
421 exacerbate, so that these services and programs can be more  
422 supportive and avoid re-traumatization. The department should  
423 use trauma-specific interventions that are designed to address  
424 the consequences of trauma in the child and to facilitate  
425 healing.

426 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds  
427 that families and community support systems are critical to the  
428 success of children and to ensure they are non-delinquent.  
429 Therefore, when appropriate, children who can safely be held  
430 accountable when served and treated in their homes and  
431 communities should be diverted from more restrictive placements  
432 within the juvenile justice system. There should be an emphasis  
433 on strengthening the family and immersing them in their  
434 community support system. The department should develop  
435 customized plans that acknowledge the importance of family and  
436 community support systems. The customized plans should  
437 recognize a child's individual needs, capitalize on their  
438 strengths, reduce their risks, and prepare them for a successful  
439 transition to, and unification with, their family and community  
440 support system. The child's family must be considered in the  
441 department's process of assessing the needs, services and  
442 treatment, and community connections of the children who are

443 involved with the juvenile justice system, or in danger of  
 444 becoming so.

445 Section 3. Section 985.03, Florida Statutes, is amended to  
 446 read:

447 985.03 Definitions.—As used in this chapter, the term:

448 (1) "Abscond" means to hide, conceal, or absent oneself  
 449 from the jurisdiction of the court or supervision of the  
 450 department to avoid prosecution or supervision.

451 (2)~~(1)~~ "Addictions receiving facility" means a substance  
 452 abuse service provider as defined in chapter 397.

453 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the  
 454 court to determine whether or not the facts support the  
 455 allegations stated in the petition, as is provided for under s.  
 456 985.35 in delinquency cases.

457 (4)~~(3)~~ "Adult" means any natural person other than a  
 458 child.

459 (5)~~(4)~~ "Arbitration" means a process whereby a neutral  
 460 third person or panel, called an arbitrator or an arbitration  
 461 panel, considers the facts and arguments presented by the  
 462 parties and renders a decision which may be binding or  
 463 nonbinding.

464 (6)~~(5)~~ "Authorized agent" or "designee" of the department  
 465 means a person or agency assigned or designated by the  
 466 department ~~or the Department of Children and Family Services, as~~  
 467 ~~appropriate,~~ to perform duties or exercise powers under this  
 468 chapter and includes contract providers and their employees ~~for~~

469 ~~purposes of providing services to and managing cases of children~~  
 470 ~~in need of services and families in need of services.~~

471 (7)~~(6)~~ "Child" or "juvenile" or "youth" means any  
 472 unmarried person under the age of 18 ~~who has not been~~  
 473 ~~emancipated by order of the court and who has been found or~~  
 474 ~~alleged to be dependent, in need of services, or from a family~~  
 475 ~~in need of services;~~ or any ~~married or unmarried~~ person who is  
 476 alleged to have committed ~~charged with~~ a violation of law  
 477 occurring prior to the time that person reached the age of 18  
 478 years.

479 (8)~~(7)~~ "Child in need of services" has the same meaning as  
 480 provided in s. 984.03 ~~means a child for whom there is no pending~~  
 481 ~~investigation into an allegation or suspicion of abuse, neglect,~~  
 482 ~~or abandonment; no pending referral alleging the child is~~  
 483 ~~delinquent; or no current supervision by the department or the~~  
 484 ~~Department of Children and Family Services for an adjudication~~  
 485 ~~of dependency or delinquency. The child must also, under this~~  
 486 ~~chapter, be found by the court:~~

487 ~~(a) To have persistently run away from the child's parents~~  
 488 ~~or legal custodians despite reasonable efforts of the child, the~~  
 489 ~~parents or legal custodians, and appropriate agencies to remedy~~  
 490 ~~the conditions contributing to the behavior. Reasonable efforts~~  
 491 ~~shall include voluntary participation by the child's parents or~~  
 492 ~~legal custodians and the child in family mediation, services,~~  
 493 ~~and treatment offered by the department or the Department of~~  
 494 ~~Children and Family Services;~~

495 ~~(b) To be habitually truant from school, while subject to~~  
 496 ~~compulsory school attendance, despite reasonable efforts to~~  
 497 ~~remedy the situation under ss. 1003.26 and 1003.27 and through~~  
 498 ~~voluntary participation by the child's parents or legal~~  
 499 ~~eustodians and by the child in family mediation, services, and~~  
 500 ~~treatment offered by the Department of Juvenile Justice or the~~  
 501 ~~Department of Children and Family Services; or~~

502 ~~(c) To have persistently disobeyed the reasonable and~~  
 503 ~~lawful demands of the child's parents or legal custodians, and~~  
 504 ~~to be beyond their control despite efforts by the child's~~  
 505 ~~parents or legal custodians and appropriate agencies to remedy~~  
 506 ~~the conditions contributing to the behavior. Reasonable efforts~~  
 507 ~~may include such things as good faith participation in family or~~  
 508 ~~individual counseling.~~

509 (9)~~(8)~~ "Child who has been found to have committed a  
 510 delinquent act" means a child who, under this chapter, is found  
 511 by a court to have committed a violation of law or to be in  
 512 direct or indirect contempt of court, except that this  
 513 definition does not include an act constituting contempt of  
 514 court arising out of a dependency proceeding or a proceeding  
 515 concerning a child or family in need of services.

516 ~~(9) "Child support" means a court-ordered obligation,~~  
 517 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~  
 518 ~~monetary support for the care, maintenance, training, and~~  
 519 ~~education of a child.~~

520 (10) "Circuit" means any of the 20 judicial circuits as

521 set forth in s. 26.021.

522 (11) "Comprehensive assessment" or "assessment" means the  
 523 gathering of information for the evaluation of a juvenile  
 524 offender's or a child's physical, psychological, educational,  
 525 career and technical education ~~vocational~~, and social condition  
 526 and family environment as they relate to the child's need for  
 527 rehabilitative and treatment services, including substance abuse  
 528 treatment services, mental health services, developmental  
 529 services, literacy services, medical services, family services,  
 530 and other specialized services, as appropriate.

531 (12) "Conditional release" means the care, treatment,  
 532 help, ~~and~~ supervision, and provision of transition-to-adulthood  
 533 services provided to a juvenile released from a residential  
 534 commitment program which is intended to promote rehabilitation  
 535 and prevent recidivism. The purpose of conditional release is to  
 536 protect the public, reduce recidivism, increase responsible  
 537 productive behavior, and provide for a successful transition of  
 538 the youth from the department to his or her ~~the~~ family.  
 539 Conditional release includes, but is not limited to,  
 540 nonresidential community-based programs.

541 (13) "Court," ~~unless otherwise expressly stated,~~ means the  
 542 circuit court assigned to exercise jurisdiction under this  
 543 chapter, unless otherwise expressly stated.

544 (14) "Day treatment" means a nonresidential, community-  
 545 based program designed to provide therapeutic intervention to  
 546 youth served by the department, or who are placed on probation

547 or conditional release, or are committed to the minimum-risk  
 548 nonresidential level. A day treatment program may provide  
 549 educational and career and technical education ~~vocational~~  
 550 services and shall provide case management services; individual,  
 551 group, and family counseling; training designed to address  
 552 delinquency risk factors; and monitoring of a youth's compliance  
 553 with, and facilitation of a youth's completion of, sanctions if  
 554 ordered by the court. Program types may include, but are not  
 555 limited to, career programs, marine programs, juvenile justice  
 556 alternative schools, training and rehabilitation programs, and  
 557 gender-specific programs.

558 (15) (a) "Delinquency program" means any intake, probation,  
 559 or similar program; regional detention center or facility; or  
 560 community-based program, whether owned and operated by or  
 561 contracted by the department, or institution owned and operated  
 562 by or contracted by the department, which provides intake,  
 563 supervision, or custody and care of children who are alleged to  
 564 be or who have been found to be delinquent under this chapter.

565 (b) "Delinquency program staff" means supervisory and  
 566 direct care staff of a delinquency program as well as support  
 567 staff who have direct contact with children in a delinquency  
 568 program.

569 ~~(c) "Delinquency prevention programs" means programs~~  
 570 ~~designed for the purpose of reducing the occurrence of~~  
 571 ~~delinquency, including criminal gang activity, and juvenile~~  
 572 ~~arrests. The term excludes arbitration, diversionary or~~

573 ~~mediation programs, and community service work or other~~  
 574 ~~treatment available subsequent to a child committing a~~  
 575 ~~delinquent act.~~

576 (16) "Department" means the Department of Juvenile  
 577 Justice.

578 (17) "Designated facility" or "designated treatment  
 579 facility" means any facility designated by the department to  
 580 provide treatment to juvenile offenders.

581 (18) "Detention care" means the temporary care of a child  
 582 in secure, or nonsecure, ~~or home~~ detention, pending a court  
 583 adjudication or disposition or execution of a court order. There  
 584 are two ~~three~~ types of detention care, as follows:

585 (a) "Secure detention" means temporary custody of the  
 586 child while the child is under the physical restriction of a  
 587 secure detention center or facility pending adjudication,  
 588 disposition, or placement.

589 ~~(b) "Nonsecure detention" means temporary custody of the~~  
 590 ~~child while the child is in a residential home in the community~~  
 591 ~~in a physically nonrestrictive environment under the supervision~~  
 592 ~~of the Department of Juvenile Justice pending adjudication,~~  
 593 ~~disposition, or placement.~~

594 ~~(b)(c)~~ "Nonsecure detention" ~~"Home detention"~~ means  
 595 temporary nonsecure custody of the child while the child is  
 596 released to the custody of the parent, guardian, or custodian in  
 597 a physically nonrestrictive environment under the supervision of  
 598 the department staff pending adjudication, disposition, or

599 placement. Forms of nonsecure detention include, but are not  
 600 limited to, home detention, electronic monitoring, day reporting  
 601 centers, evening reporting centers, nonsecure shelters, and may  
 602 include other requirements imposed by the court.

603 (19) "Detention center or facility" means a facility used  
 604 pending court adjudication or disposition or execution of court  
 605 order for the temporary care of a child alleged or found to have  
 606 committed a violation of law. A detention center or facility may  
 607 provide secure ~~or nonsecure~~ custody. A facility used for the  
 608 commitment of adjudicated delinquents shall not be considered a  
 609 detention center or facility.

610 (20) "Detention hearing" means a hearing for the court to  
 611 determine if a child should be placed in temporary custody, as  
 612 provided for under part V in delinquency cases.

613 (21) "Disposition hearing" means a hearing in which the  
 614 court determines the most appropriate dispositional services in  
 615 the least restrictive available setting provided for under part  
 616 VII, in delinquency cases.

617 (22) "Family" means a collective of persons, consisting of  
 618 a child and a parent, guardian, adult custodian, or adult  
 619 relative, in which:

620 (a) The persons reside in the same house or living unit;

621 or

622 (b) The parent, guardian, adult custodian, or adult  
 623 relative has a legal responsibility by blood, marriage, or court  
 624 order to support or care for the child.

625           (23) "Family in need of services" has the same meaning as  
 626 provided in s. 984.03 ~~means a family that has a child for whom~~  
 627 ~~there is no pending investigation into an allegation of abuse,~~  
 628 ~~neglect, or abandonment or no current supervision by the~~  
 629 ~~department or the Department of Children and Family Services for~~  
 630 ~~an adjudication of dependency or delinquency. The child must~~  
 631 ~~also have been referred to a law enforcement agency or the~~  
 632 ~~department for:~~

- 633           ~~(a) Running away from parents or legal custodians;~~
- 634           ~~(b) Persistently disobeying reasonable and lawful demands~~  
 635 ~~of parents or legal custodians, and being beyond their control;~~  
 636 ~~or~~
- 637           ~~(c) Habitual truancy from school.~~

638           ~~(24) "Foster care" means care provided a child in a foster~~  
 639 ~~family or boarding home, group home, agency boarding home, child~~  
 640 ~~care institution, or any combination thereof.~~

641           ~~(25) "Habitually truant" means that:~~

- 642           ~~(a) The child has 15 unexcused absences within 90 calendar~~  
 643 ~~days with or without the knowledge or justifiable consent of the~~  
 644 ~~child's parent or legal guardian, is subject to compulsory~~  
 645 ~~school attendance under s. 1003.21(1) and (2) (a), and is not~~  
 646 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~  
 647 ~~specified by law or the rules of the State Board of Education.~~

- 648           ~~(b) Escalating activities to determine the cause, and to~~  
 649 ~~attempt the remediation, of the child's truant behavior under~~  
 650 ~~ss. 1003.26 and 1003.27 have been completed.~~

651 ~~If a child who is subject to compulsory school attendance is~~  
 652 ~~responsive to the interventions described in ss. 1003.26 and~~  
 653 ~~1003.27 and has completed the necessary requirements to pass the~~  
 654 ~~current grade as indicated in the district pupil progression~~  
 655 ~~plan, the child shall not be determined to be habitually truant~~  
 656 ~~and shall be passed.~~

657  
 658 ~~If a child within the compulsory school attendance age has 15~~  
 659 ~~unexcused absences within 90 calendar days or fails to enroll in~~  
 660 ~~school, the state attorney may file a child in need of services~~  
 661 ~~petition. Before filing a petition, the child must be referred~~  
 662 ~~to the appropriate agency for evaluation. After consulting with~~  
 663 ~~the evaluating agency, the state attorney may elect to file a~~  
 664 ~~child in need of services petition.~~

665 ~~(c) A school representative, designated according to~~  
 666 ~~school board policy, and a juvenile probation officer of the~~  
 667 ~~department have jointly investigated the truancy problem or, if~~  
 668 ~~that was not feasible, have performed separate investigations to~~  
 669 ~~identify conditions that could be contributing to the truant~~  
 670 ~~behavior; and if, after a joint staffing of the case to~~  
 671 ~~determine the necessity for services, such services were~~  
 672 ~~determined to be needed, the persons who performed the~~  
 673 ~~investigations met jointly with the family and child to discuss~~  
 674 ~~any referral to appropriate community agencies for economic~~  
 675 ~~services, family or individual counseling, or other services~~  
 676 ~~required to remedy the conditions that are contributing to the~~

677 ~~truant behavior.~~

678 ~~(d) The failure or refusal of the parent or legal guardian~~  
 679 ~~or the child to participate, or make a good faith effort to~~  
 680 ~~participate, in the activities prescribed to remedy the truant~~  
 681 ~~behavior, or the failure or refusal of the child to return to~~  
 682 ~~school after participation in activities required by this~~  
 683 ~~subsection, or the failure of the child to stop the truant~~  
 684 ~~behavior after the school administration and the department have~~  
 685 ~~worked with the child as described in s. 1003.27(3) shall be~~  
 686 ~~handled as prescribed in s. 1003.27.~~

687 ~~(26) "Halfway house" means a community-based residential~~  
 688 ~~program for 10 or more committed delinquents at the moderate-~~  
 689 ~~risk commitment level which is operated or contracted by the~~  
 690 ~~department.~~

691 ~~(24)-(27)~~ "Intake" means the initial acceptance and  
 692 screening by the department or juvenile assessment center  
 693 personnel of a complaint or a law enforcement report or probable  
 694 cause affidavit of delinquency, ~~family in need of services, or~~  
 695 ~~child in need of services~~ to determine the recommendation to be  
 696 taken in the best interests of the child, the family, and the  
 697 community. The emphasis of intake is on diversion and the least  
 698 restrictive available services. Consequently, intake includes  
 699 such alternatives as:

700 (a) The disposition of the complaint, report, or probable  
 701 cause affidavit without court or public agency action or  
 702 judicial handling when appropriate.

703 (b) The referral of the child to another public or private  
704 agency when appropriate.

705 (c) The recommendation by the department ~~juvenile~~  
706 ~~probation officer~~ of judicial handling when appropriate and  
707 warranted.

708 ~~(25)-(28)~~ "Judge" means the circuit judge exercising  
709 jurisdiction pursuant to this chapter.

710 ~~(26)-(29)~~ "Juvenile justice continuum" includes, but is not  
711 limited to, ~~delinquency~~ prevention programs and services  
712 designed for the purpose of preventing or reducing delinquent  
713 acts, including criminal activity by criminal gangs, and  
714 juvenile arrests, as well as programs and services targeted at  
715 children who have committed delinquent acts, and children who  
716 have previously been committed to residential treatment programs  
717 for delinquents. The term includes children-in-need-of-services  
718 and families-in-need-of-services programs under chapter 984;  
719 conditional release; substance abuse and mental health programs;  
720 educational and career programs; recreational programs;  
721 community services programs; community service work programs;  
722 mother-infant programs; and alternative dispute resolution  
723 programs serving children at risk of delinquency and their  
724 families, whether offered or delivered by state or local  
725 governmental entities, public or private for-profit or not-for-  
726 profit organizations, or religious or charitable organizations.

727 ~~(27)-(30)~~ "Juvenile probation officer" means the authorized  
728 agent of the department who performs the intake, case

729 management, or supervision functions.

730 (28)~~(31)~~ "Legal custody or guardian" means a legal status  
 731 created by court order or letter of guardianship which vests in  
 732 a custodian of the person or guardian, whether an agency or an  
 733 individual, the right to have physical custody of the child and  
 734 the right and duty to protect, train, and discipline the child  
 735 and to provide him or her with food, shelter, education, and  
 736 ordinary medical, dental, psychiatric, and psychological care.

737 (29)~~(32)~~ "Licensed child-caring agency" means a person,  
 738 society, association, or agency licensed by the Department of  
 739 Children and Families ~~Family Services~~ to care for, receive, and  
 740 board children.

741 (30)~~(33)~~ "Licensed health care professional" means a  
 742 physician licensed under chapter 458, an osteopathic physician  
 743 licensed under chapter 459, a nurse licensed under part I of  
 744 chapter 464, a physician assistant licensed under chapter 458 or  
 745 chapter 459, or a dentist licensed under chapter 466.

746 (31)~~(34)~~ "Likely to injure oneself" means that, as  
 747 evidenced by violent or other actively self-destructive  
 748 behavior, it is more likely than not that within a 24-hour  
 749 period the child will attempt to commit suicide or inflict  
 750 serious bodily harm on himself or herself.

751 (32)~~(35)~~ "Likely to injure others" means that it is more  
 752 likely than not that within a 24-hour period the child will  
 753 inflict serious and unjustified bodily harm on another person.

754 (33)~~(36)~~ "Mediation" means a process whereby a neutral

755 third person called a mediator acts to encourage and facilitate  
756 the resolution of a dispute between two or more parties. It is  
757 an informal and nonadversarial process with the objective of  
758 helping the disputing parties reach a mutually acceptable and  
759 voluntary agreement. In mediation, decisionmaking authority  
760 rests with the parties. The role of the mediator includes, but  
761 is not limited to, assisting the parties in identifying issues,  
762 fostering joint problem solving, and exploring settlement  
763 alternatives.

764 (34)~~(37)~~ "Mother-infant program" means a residential  
765 program designed to serve the needs of juvenile mothers or  
766 expectant juvenile mothers who are committed as delinquents,  
767 which is operated or contracted by the department. A mother-  
768 infant program facility must be licensed as a child care  
769 facility under s. 402.308 and must provide the services and  
770 support necessary to enable each juvenile mother committed to  
771 the facility to provide for the needs of her infants who, upon  
772 agreement of the mother, may accompany her in the program.

773 (35)~~(38)~~ "Necessary medical treatment" means care which is  
774 necessary within a reasonable degree of medical certainty to  
775 prevent the deterioration of a child's condition or to alleviate  
776 immediate pain of a child.

777 (36)~~(39)~~ "Next of kin" means an adult relative of a child  
778 who is the child's brother, sister, grandparent, aunt, uncle, or  
779 first cousin.

780 (37)~~(40)~~ "Ordinary medical care" means medical procedures

781 that are administered or performed on a routine basis and  
 782 include, but are not limited to, inoculations, physical  
 783 examinations, remedial treatment for minor illnesses and  
 784 injuries, preventive services, medication management, chronic  
 785 disease detection and treatment, and other medical procedures  
 786 that are administered or performed on a routine basis and do not  
 787 involve hospitalization, surgery, the use of general anesthesia,  
 788 or the provision of psychotropic medications.

789 (38)~~(41)~~ "Parent" means a woman who gives birth to a child  
 790 and a man whose consent to the adoption of the child would be  
 791 required under s. 63.062(1). If a child has been legally  
 792 adopted, the term "parent" means the adoptive mother or father  
 793 of the child. The term does not include an individual whose  
 794 parental relationship to the child has been legally terminated,  
 795 or an alleged or prospective parent, unless the parental status  
 796 falls within the terms of either s. 39.503(1) or s. 63.062(1).

797 (39)~~(42)~~ "Preliminary screening" means the gathering of  
 798 preliminary information to be used in determining a child's need  
 799 for further evaluation or assessment or for referral for other  
 800 substance abuse services through means such as psychosocial  
 801 interviews; urine and breathalyzer screenings; and reviews of  
 802 available educational, delinquency, and dependency records of  
 803 the child.

804 ~~(43) "Preventive services" means social services and other~~  
 805 ~~supportive and rehabilitative services provided to the parent of~~  
 806 ~~the child, the legal guardian of the child, or the custodian of~~

807 ~~the child and to the child for the purpose of averting the~~  
808 ~~removal of the child from the home or disruption of a family~~  
809 ~~which will or could result in the placement of a child in foster~~  
810 ~~care. Social services and other supportive and rehabilitative~~  
811 ~~services shall promote the child's need for a safe, continuous,~~  
812 ~~stable living environment and shall promote family autonomy and~~  
813 ~~shall strengthen family life as the first priority whenever~~  
814 ~~possible.~~

815 (40) "Prevention" means programs, strategies, initiatives,  
816 and networks designed to keep children from making initial or  
817 further contact with the juvenile justice system.

818 ~~(41)-(44)~~ "Probation" means the legal status of probation  
819 created by law and court order in cases involving a child who  
820 has been found to have committed a delinquent act. Probation is  
821 an individualized program in which the freedom of the child is  
822 limited and the child is restricted to noninstitutional quarters  
823 or restricted to the child's home in lieu of commitment to the  
824 custody of the department. Youth on probation may be assessed  
825 and classified for placement in day-treatment probation programs  
826 designed for youth who represent a minimum risk to themselves  
827 and public safety and do not require placement and services in a  
828 residential setting.

829 ~~(42)-(45)~~ "Relative" means a grandparent, great-  
830 grandparent, sibling, first cousin, aunt, uncle, great-aunt,  
831 great-uncle, niece, or nephew, whether related by the whole or  
832 half blood, by affinity, or by adoption. The term does not

833 include a stepparent.

834 (43)~~(46)~~ "Restrictiveness level" means the level of  
 835 programming and security provided by programs that service the  
 836 supervision, custody, care, and treatment needs of committed  
 837 children. Sections 985.601(10) and 985.721 apply to children  
 838 placed in programs at any residential commitment level. The  
 839 restrictiveness levels of commitment are as follows:

840 (a) Minimum-risk nonresidential.—Programs or program  
 841 models at this commitment level work with youth who remain in  
 842 the community and participate at least 5 days per week in a day  
 843 treatment program. Youth assessed and classified for programs at  
 844 this commitment level represent a minimum risk to themselves and  
 845 public safety and do not require placement and services in  
 846 residential settings. Youth in this level have full access to,  
 847 and reside in, the community. Youth who have been found to have  
 848 committed delinquent acts that involve firearms, that are sexual  
 849 offenses, or that would be life felonies or first degree  
 850 felonies if committed by an adult may not be committed to a  
 851 program at this level.

852 ~~(b) Low-risk residential.—Programs or program models at  
 853 this commitment level are residential but may allow youth to  
 854 have unsupervised access to the community. Residential  
 855 facilities shall have no more than 165 beds each, including  
 856 campus-style programs, unless those campus-style programs  
 857 include more than one level of restrictiveness, provide  
 858 multilevel education and treatment programs using different~~

859 ~~treatment protocols, and have facilities that coexist separately~~  
860 ~~in distinct locations on the same property. Youth assessed and~~  
861 ~~classified for placement in programs at this commitment level~~  
862 ~~represent a low risk to themselves and public safety but do~~  
863 ~~require placement and services in residential settings. Children~~  
864 ~~who have been found to have committed delinquent acts that~~  
865 ~~involve firearms, delinquent acts that are sexual offenses, or~~  
866 ~~delinquent acts that would be life felonies or first degree~~  
867 ~~felonies if committed by an adult shall not be committed to a~~  
868 ~~program at this level.~~

869 (b)(e) Nonsecure Moderate-risk-residential.—Programs or  
870 program models at this commitment level are residential but may  
871 allow youth to have supervised access to the community.  
872 Facilities at this commitment level are either environmentally  
873 secure, staff secure, or are hardware-secure with walls,  
874 fencing, or locking doors. Residential facilities at this  
875 commitment level shall have no more than 90 ~~165~~ beds each,  
876 including campus-style programs, unless those campus-style  
877 programs include more than one level of restrictiveness, provide  
878 ~~multilevel education and treatment program programs~~ using  
879 different treatment protocols, and have facilities that coexist  
880 separately in distinct locations on the same property.  
881 Facilities at this commitment level shall provide 24-hour awake  
882 supervision, custody, care, and treatment of residents. Youth  
883 assessed and classified for placement in programs at this  
884 commitment level represent a low or moderate risk to public

885 safety and require close supervision. The staff at a facility at  
 886 this commitment level may seclude a child who is a physical  
 887 threat to himself or herself or others. Mechanical restraint may  
 888 also be used when necessary.

889 (c)~~(d)~~ High-risk residential.—Programs or program models  
 890 at this commitment level are residential and do not allow youth  
 891 to have access to the community, except that temporary release  
 892 providing community access for up to 72 continuous hours may be  
 893 approved by a court for a youth who has made successful progress  
 894 in his or her program in order for the youth to attend a family  
 895 emergency or, during the final 60 days of his or her placement,  
 896 to visit his or her home, enroll in school or a career and  
 897 technical education ~~vocational~~ program, complete a job  
 898 interview, or participate in a community service project. High-  
 899 risk residential facilities are hardware-secure with perimeter  
 900 fencing and locking doors. Residential facilities at this  
 901 commitment level shall have no more than 90 ~~165~~ beds each,  
 902 including campus-style programs, unless those campus-style  
 903 programs include more than one ~~level of restrictiveness, provide~~  
 904 ~~multilevel education and treatment~~ program ~~programs~~ using  
 905 different treatment protocols, and have facilities that coexist  
 906 separately in distinct locations on the same property.  
 907 Facilities at this commitment level shall provide 24-hour awake  
 908 supervision, custody, care, and treatment of residents. Youth  
 909 assessed and classified for this level of placement require  
 910 close supervision in a structured residential setting. Placement

911 in programs at this level is prompted by a concern for public  
 912 safety that outweighs placement in programs at lower commitment  
 913 levels. The staff at a facility at this commitment level may  
 914 seclude a child who is a physical threat to himself or herself  
 915 or others. Mechanical restraint may also be used when necessary.  
 916 The facility may provide for single cell occupancy, except that  
 917 youth may be housed together during prerelease transition.

918 (d) ~~(e)~~ Maximum-risk residential.—Programs or program  
 919 models at this commitment level include juvenile correctional  
 920 facilities and juvenile prisons. The programs at this commitment  
 921 level are long-term residential and do not allow youth to have  
 922 access to the community. Facilities at this commitment level are  
 923 maximum-custody, hardware-secure with perimeter security fencing  
 924 and locking doors. Residential facilities at this commitment  
 925 level shall have no more than 90 ~~165~~ beds each, including  
 926 campus-style programs, unless those campus-style programs  
 927 include more than one ~~level of restrictiveness, provide~~  
 928 ~~multilevel education and treatment program programs~~ using  
 929 different treatment protocols, and have facilities that coexist  
 930 separately in distinct locations on the same property.  
 931 Facilities at this commitment level shall provide 24-hour awake  
 932 supervision, custody, care, and treatment of residents. The  
 933 staff at a facility at this commitment level may seclude a child  
 934 who is a physical threat to himself or herself or others.  
 935 Mechanical restraint may also be used when necessary. Facilities  
 936 at this commitment level ~~The facility~~ shall provide for single

937 cell occupancy, except that youth may be housed together during  
 938 prerelease transition. Youth assessed and classified for this  
 939 level of placement require close supervision in a maximum  
 940 security residential setting. Placement in a program at this  
 941 level is prompted by a demonstrated need to protect the public.

942 (44)~~(47)~~ "Respite" means a placement that is available for  
 943 the care, custody, and placement of a youth charged with  
 944 domestic violence as an alternative to secure detention or for  
 945 placement of a youth when a shelter bed for a child in need of  
 946 services or a family in need of services is unavailable.

947 (45)~~(48)~~ "Secure detention center or facility" means a  
 948 physically restricting facility for the temporary care of  
 949 children, pending adjudication, disposition, or placement.

950 (46)~~(49)~~ "Shelter" means a place for the temporary care of  
 951 a child who is alleged to be or who has been found to be  
 952 delinquent.

953 ~~(50) "Shelter hearing" means a hearing provided for under~~  
 954 ~~s. 984.14 in family in need of services cases or child in need~~  
 955 ~~of services cases.~~

956 ~~(51) "Staff secure shelter" means a facility in which a~~  
 957 ~~child is supervised 24 hours a day by staff members who are~~  
 958 ~~awake while on duty. The facility is for the temporary care and~~  
 959 ~~assessment of a child who has been found to be dependent, who~~  
 960 ~~has violated a court order and been found in contempt of court,~~  
 961 ~~or whom the Department of Children and Family Services is unable~~  
 962 ~~to properly assess or place for assistance within the continuum~~

963 ~~of services provided for dependent children.~~

964       (47)~~(52)~~ "Substance abuse" means using, without medical  
965 reason, any psychoactive or mood-altering drug, including  
966 alcohol, in such a manner as to induce impairment resulting in  
967 dysfunctional social behavior.

968       (48)~~(53)~~ "Taken into custody" means the status of a child  
969 immediately when temporary physical control over the child is  
970 attained by a person authorized by law, pending the child's  
971 release, detention, placement, or other disposition as  
972 authorized by law.

973       (49)~~(54)~~ "Temporary legal custody" means the relationship  
974 that a juvenile court creates between a child and an adult  
975 relative of the child, adult nonrelative approved by the court,  
976 or other person until a more permanent arrangement is ordered.  
977 Temporary legal custody confers upon the custodian the right to  
978 have temporary physical custody of the child and the right and  
979 duty to protect, train, and discipline the child and to provide  
980 the child with food, shelter, and education, and ordinary  
981 medical, dental, psychiatric, and psychological care, unless  
982 these rights and duties are otherwise enlarged or limited by the  
983 court order establishing the temporary legal custody  
984 relationship.

985       (50)~~(55)~~ "Temporary release" means the terms and  
986 conditions under which a child is temporarily released from a  
987 residential commitment facility or allowed home visits. If the  
988 temporary release is from a nonsecure ~~moderate-risk~~ residential

989 facility, a high-risk residential facility, or a maximum-risk  
 990 residential facility, the terms and conditions of the temporary  
 991 release must be approved by the child, the court, and the  
 992 facility. ~~The term includes periods during which the child is~~  
 993 ~~supervised pursuant to a conditional release program or a period~~  
 994 ~~during which the child is supervised by a juvenile probation~~  
 995 ~~officer or other nonresidential staff of the department or staff~~  
 996 ~~employed by an entity under contract with the department.~~

997 (51) ~~(56)~~ "Transition-to-adulthood services" means services  
 998 that are provided for youth in the custody of the department or  
 999 under the supervision of the department and that have the  
 1000 objective of instilling the knowledge, skills, and aptitudes  
 1001 essential to a socially integrated, self-supporting adult life.  
 1002 The services may include, but are not limited to:

1003 (a) Assessment of the youth's ability and readiness for  
 1004 adult life.

1005 (b) A plan for the youth to acquire the knowledge,  
 1006 information, and counseling necessary to make a successful  
 1007 transition to adulthood.

1008 (c) Services that have proven effective toward achieving  
 1009 the transition to adulthood.

1010 (52) "Trauma-informed care" means providing services to  
 1011 children with a history of trauma, which recognizes the symptoms  
 1012 of trauma and acknowledges the role the trauma has played in the  
 1013 child's life. Trauma may include, but is not limited to,  
 1014 community and school violence, physical or sexual abuse,

1015 neglect, medical difficulties, and domestic violence.

1016 (53)~~(57)~~ "Violation of law" or "delinquent act" means a  
 1017 violation of any law of this state, the United States, or any  
 1018 other state which is a misdemeanor or a felony or a violation of  
 1019 a county or municipal ordinance which would be punishable by  
 1020 incarceration if the violation were committed by an adult.

1021 (54)~~(58)~~ "Waiver hearing" means a hearing provided for  
 1022 under s. 985.556(4).

1023 Section 4. Subsections (4) and (5) of section 985.0301,  
 1024 Florida Statutes, are amended to read:

1025 985.0301 Jurisdiction.—

1026 (4) (a) Petitions alleging delinquency shall be filed in  
 1027 the county where the delinquent act or violation of law  
 1028 occurred. The ~~, but the~~ circuit court for that county may  
 1029 transfer the case to the circuit court of the circuit in which  
 1030 the child resides or will reside at the time of detention or  
 1031 placement for dispositional purposes. A child who has been  
 1032 detained may ~~shall~~ be transferred to the ~~appropriate~~ detention  
 1033 center or facility in the circuit in which the child resides or  
 1034 will reside at the time of detention ~~or other placement directed~~  
 1035 ~~by the receiving court.~~

1036 (b) The jurisdiction to be exercised by the court when a  
 1037 child is taken into custody before the filing of a petition  
 1038 under subsection (2) shall be exercised by the circuit court for  
 1039 the county in which the child is taken into custody, which court  
 1040 shall have personal jurisdiction of the child and the child's

1041 parent or legal guardian. Upon the filing of a petition in the  
 1042 appropriate circuit court, the court that is exercising initial  
 1043 jurisdiction of the person of the child shall, if the child has  
 1044 been detained, immediately order the child to be transferred to  
 1045 the detention center or facility or other placement as ordered  
 1046 by the court having subject matter jurisdiction of the case.

1047 (5) (a) Notwithstanding s. ss. 743.07, 985.43, 985.433,  
 1048 985.435, 985.439, and 985.441, and except as provided in ~~ss.~~  
 1049 ~~985.461 and 985.465~~ and paragraph (b) and (c) ~~(f)~~, when the  
 1050 jurisdiction of any child who is alleged to have committed a  
 1051 delinquent act or violation of law is obtained, the court shall  
 1052 retain jurisdiction to dispose a case, unless relinquished by  
 1053 its order, until the child reaches 19 years of age, with the  
 1054 same power over the child which the court had before the child  
 1055 became an adult. ~~For the purposes of s. 985.461, the court may~~  
 1056 ~~retain jurisdiction for an additional 365 days following the~~  
 1057 ~~child's 19th birthday if the child is participating in~~  
 1058 ~~transition to adulthood services. The additional services do not~~  
 1059 ~~extend involuntary court-sanctioned residential commitment and~~  
 1060 ~~therefore require voluntary participation by the affected youth.~~

1061 (b) The court shall retain jurisdiction, Notwithstanding  
 1062 ~~ss. 743.07 and 985.455(3), the term of any order placing a child~~  
 1063 ~~in a probation program must be until the child's 19th birthday~~  
 1064 ~~unless~~ relinquished by its own order, over a child on probation  
 1065 until the child reaches 19 years of age ~~he or she is released by~~  
 1066 ~~the court on the motion of an interested party or on his or her~~

1067 ~~own motion.~~

1068 (c) The court shall retain jurisdiction, unless  
 1069 relinquished by its own order, over a child committed to the  
 1070 department until the child reaches 21 years of age, specifically  
 1071 for the purpose of allowing the child to complete the commitment  
 1072 program, including conditional release supervision.

1073 (d) The court shall retain jurisdiction over a juvenile  
 1074 sexual offender, as defined in s. 985.475, who has been placed  
 1075 on community-based treatment alternative with supervision, or in  
 1076 a program or facility for juvenile sexual offenders, pursuant to  
 1077 s. 985.48, until the juvenile sexual offender reaches 21 years  
 1078 of age, specifically for the purpose of completing the program.

1079 ~~(e) Notwithstanding ss. 743.07 and 985.455(3), the term of~~  
 1080 ~~the commitment must be until the child is discharged by the~~  
 1081 ~~department or until he or she reaches the age of 21 years.~~  
 1082 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~  
 1083 ~~985.455, and 985.513, and except as provided in this section, a~~  
 1084 ~~child may not be held under a commitment from a court under s.~~  
 1085 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~  
 1086 ~~21 years of age.~~

1087 ~~(d) The court may retain jurisdiction over a child~~  
 1088 ~~committed to the department for placement in a juvenile prison~~  
 1089 ~~or in a high-risk or maximum-risk residential commitment program~~  
 1090 ~~to allow the child to participate in a juvenile conditional~~  
 1091 ~~release program pursuant to s. 985.46. The jurisdiction of the~~  
 1092 ~~court may not be retained after the child's 22nd birthday.~~

1093 ~~However, if the child is not successful in the conditional~~  
 1094 ~~release program, the department may use the transfer procedure~~  
 1095 ~~under s. 985.441(4).~~

1096 ~~(e) The court may retain jurisdiction over a child~~  
 1097 ~~committed to the department for placement in an intensive~~  
 1098 ~~residential treatment program for 10-year-old to 13-year-old~~  
 1099 ~~offenders, in the residential commitment program in a juvenile~~  
 1100 ~~prison or in a residential sex offender program until the child~~  
 1101 ~~reaches the age of 21. If the court exercises this jurisdiction~~  
 1102 ~~retention, it shall do so solely for the purpose of the child~~  
 1103 ~~completing the intensive residential treatment program for 10-~~  
 1104 ~~year-old to 13-year-old offenders, in the residential commitment~~  
 1105 ~~program in a juvenile prison, or in a residential sex offender~~  
 1106 ~~program. Such jurisdiction retention does not apply for other~~  
 1107 ~~programs, other purposes, or new offenses.~~

1108 ~~(f) The court may retain jurisdiction over a child~~  
 1109 ~~committed to a juvenile correctional facility or a juvenile~~  
 1110 ~~prison until the child reaches the age of 21 years, specifically~~  
 1111 ~~for the purpose of allowing the child to complete such program.~~

1112 ~~(g) The court may retain jurisdiction over a juvenile~~  
 1113 ~~sexual offender who has been placed in a program or facility for~~  
 1114 ~~juvenile sexual offenders until the juvenile sexual offender~~  
 1115 ~~reaches the age of 21, specifically for the purpose of~~  
 1116 ~~completing the program.~~

1117 ~~(e)-(h)~~ The court may retain jurisdiction over a child and  
 1118 the child's parent or legal guardian whom the court has ordered

1119 to pay restitution until the restitution order is satisfied. To  
 1120 retain jurisdiction, the court shall enter a restitution order,  
 1121 which is separate from any disposition or order of commitment,  
 1122 on or prior to the date that the court's jurisdiction would  
 1123 cease under this section. The contents of the restitution order  
 1124 shall be limited to the child's name and address, the name and  
 1125 address of the parent or legal guardian, the name and address of  
 1126 the payee, the case number, the date and amount of restitution  
 1127 ordered, any amount of restitution paid, the amount of  
 1128 restitution due and owing, and a notation that costs, interest,  
 1129 penalties, and attorney fees may also be due and owing. The  
 1130 terms of the restitution order are subject to s. 775.089(5).

1131 (f) ~~(i)~~ This subsection does not prevent the exercise of  
 1132 jurisdiction by any court having jurisdiction of the child if  
 1133 the child, after becoming an adult, commits a violation of law.

1134 Section 5. Subsections (2) and (4) of section 985.037,  
 1135 Florida Statutes, are amended to read:

1136 985.037 Punishment for contempt of court; alternative  
 1137 sanctions.—

1138 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may  
 1139 be placed in a secure detention facility for purposes of  
 1140 punishment for contempt of court if alternative sanctions are  
 1141 unavailable or inappropriate, or if the child has already been  
 1142 ordered to serve an alternative sanction but failed to comply  
 1143 with the sanction. A delinquent child who has been held in  
 1144 direct or indirect contempt may be placed in a secure detention

1145 facility not to exceed 5 days for a first offense and not to  
 1146 exceed 15 days for a second or subsequent offense.

1147 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
 1148 PROCESS.—

1149 (a) If a child is charged with direct contempt of court,  
 1150 including traffic court, the court may impose an authorized  
 1151 sanction immediately. The court must hold a hearing to determine  
 1152 if the child committed direct contempt. Due process must be  
 1153 afforded to the child during this hearing.

1154 (b) If a child is charged with indirect contempt of court,  
 1155 the court must hold a hearing within 24 hours to determine  
 1156 whether the child committed indirect contempt of a valid court  
 1157 order. At the hearing, the following due process rights must be  
 1158 provided to the child:

1159 1. Right to a copy of the order to show cause alleging  
 1160 facts supporting the contempt charge.

1161 2. Right to an explanation of the nature and the  
 1162 consequences of the proceedings.

1163 3. Right to legal counsel and the right to have legal  
 1164 counsel appointed by the court if the juvenile is indigent,  
 1165 under s. 985.033.

1166 4. Right to confront witnesses.

1167 5. Right to present witnesses.

1168 6. Right to have a transcript or record of the proceeding.

1169 7. Right to appeal to an appropriate court.

1170

1171 The child's parent or guardian may address the court regarding  
 1172 the due process rights of the child. Upon motion by the defense  
 1173 attorney or state attorney, the court shall review the placement  
 1174 of the child ~~every 72 hours~~ to determine whether it is  
 1175 appropriate for the child to remain in the facility.

1176 (c) The court may not order that a child be placed in a  
 1177 secure detention facility for punishment for contempt unless the  
 1178 court determines that an alternative sanction is inappropriate  
 1179 or unavailable or that the child was initially ordered to an  
 1180 alternative sanction and did not comply with the alternative  
 1181 sanction. The court is encouraged to order a child to perform  
 1182 community service, up to the maximum number of hours, where  
 1183 appropriate before ordering that the child be placed in a secure  
 1184 detention facility as punishment for contempt of court.

1185 (d) In addition to any other sanction imposed under this  
 1186 section, the court may direct the Department of Highway Safety  
 1187 and Motor Vehicles to withhold issuance of, or suspend, a  
 1188 child's driver's license or driving privilege. The court may  
 1189 order that a child's driver's license or driving privilege be  
 1190 withheld or suspended for up to 1 year for a first offense of  
 1191 contempt and up to 2 years for a second or subsequent offense.  
 1192 If the child's driver's license or driving privilege is  
 1193 suspended or revoked for any reason at the time the sanction for  
 1194 contempt is imposed, the court shall extend the period of  
 1195 suspension or revocation by the additional period ordered under  
 1196 this paragraph. If the child's driver's license is being

1197 withheld at the time the sanction for contempt is imposed, the  
 1198 period of suspension or revocation ordered under this paragraph  
 1199 shall begin on the date on which the child is otherwise eligible  
 1200 to drive.

1201 Section 6. Subsection (5) of section 985.045, Florida  
 1202 Statutes, is amended to read:

1203 985.045 Court records.—

1204 (5) This chapter does not prohibit a circuit court from  
 1205 providing a restitution order containing the information  
 1206 prescribed in s. 985.0301(5)(e) ~~985.0301(5)(h)~~ to a collection  
 1207 court or a private collection agency for the sole purpose of  
 1208 collecting unpaid restitution ordered in a case in which the  
 1209 circuit court has retained jurisdiction over the child and the  
 1210 child's parent or legal guardian. The collection court or  
 1211 private collection agency shall maintain the confidential status  
 1212 of the information to the extent such confidentiality is  
 1213 provided by law.

1214 Section 7. Section 985.105, Florida Statutes, is repealed.

1215 Section 8. Paragraph (b) of subsection (1) of section  
 1216 985.11, Florida Statutes, is amended to read:

1217 985.11 Fingerprinting and photographing.—

1218 (1)

1219 (b) Unless the child is issued a civil citation or is  
 1220 participating in a similar diversion program pursuant to s.  
 1221 985.12, A child who is charged with or found to have committed  
 1222 one of the following offenses shall be fingerprinted, and the

1223 fingerprints shall be submitted to the Department of Law  
 1224 Enforcement as provided in s. 943.051(3)(b):

- 1225 1. Assault, as defined in s. 784.011.
- 1226 2. Battery, as defined in s. 784.03.
- 1227 3. Carrying a concealed weapon, as defined in s.  
 1228 790.01(1).
- 1229 4. Unlawful use of destructive devices or bombs, as  
 1230 defined in s. 790.1615(1).
- 1231 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1232 6. Assault on a law enforcement officer, a firefighter, or  
 1233 other specified officers, as defined in s. 784.07(2)(a).
- 1234 7. Open carrying of a weapon, as defined in s. 790.053.
- 1235 8. Exposure of sexual organs, as defined in s. 800.03.
- 1236 9. Unlawful possession of a firearm, as defined in s.  
 1237 790.22(5).
- 1238 10. Petit theft, as defined in s. 812.014.
- 1239 11. Cruelty to animals, as defined in s. 828.12(1).
- 1240 12. Arson, resulting in bodily harm to a firefighter, as  
 1241 defined in s. 806.031(1).
- 1242 13. Unlawful possession or discharge of a weapon or  
 1243 firearm at a school-sponsored event or on school property as  
 1244 defined in s. 790.115.

1245

1246 A law enforcement agency may fingerprint and photograph a child  
 1247 taken into custody upon probable cause that such child has  
 1248 committed any other violation of law, as the agency deems

1249 appropriate. Such fingerprint records and photographs shall be  
 1250 retained by the law enforcement agency in a separate file, and  
 1251 these records and all copies thereof must be marked "Juvenile  
 1252 Confidential." These records are not available for public  
 1253 disclosure and inspection under s. 119.07(1) except as provided  
 1254 in ss. 943.053 and 985.04(2), but shall be available to other  
 1255 law enforcement agencies, criminal justice agencies, state  
 1256 attorneys, the courts, the child, the parents or legal  
 1257 custodians of the child, their attorneys, and any other person  
 1258 authorized by the court to have access to such records. In  
 1259 addition, such records may be submitted to the Department of Law  
 1260 Enforcement for inclusion in the state criminal history records  
 1261 and used by criminal justice agencies for criminal justice  
 1262 purposes. These records may, in the discretion of the court, be  
 1263 open to inspection by anyone upon a showing of cause. The  
 1264 fingerprint and photograph records shall be produced in the  
 1265 court whenever directed by the court. Any photograph taken  
 1266 pursuant to this section may be shown by a law enforcement  
 1267 officer to any victim or witness of a crime for the purpose of  
 1268 identifying the person who committed such crime.

1269 Section 9. Subsection (2) of section 985.14, Florida  
 1270 Statutes, is amended to read:

1271 985.14 Intake and case management system.—

1272 (2) The intake process shall be performed by the  
 1273 department or juvenile assessment center personnel through a  
 1274 case management system. The purpose of the intake process is to

1275 assess the child's needs and risks and to determine the most  
 1276 appropriate treatment plan and setting for the child's  
 1277 programmatic needs and risks. The intake process shall consist  
 1278 of an initial assessment and may be followed by a full mental  
 1279 health, substance abuse, and/or psychosexual evaluation. The  
 1280 intake process shall result in choosing the most appropriate  
 1281 services through a balancing of the interests and needs of the  
 1282 child with those of the family and the community ~~public~~. The  
 1283 juvenile probation officer shall be responsible for making  
 1284 informed decisions and recommendations to other agencies, the  
 1285 state attorney, and the courts so that the child and family may  
 1286 receive the least intrusive service alternative throughout the  
 1287 judicial process. The department shall establish uniform  
 1288 procedures for the juvenile probation officer to provide a  
 1289 preliminary screening of the child and family for substance  
 1290 abuse and mental health services prior to the filing of a  
 1291 petition or as soon as possible thereafter and prior to a  
 1292 disposition hearing.

1293 Section 10. Section 985.145, Florida Statutes, is amended  
 1294 to read:

1295 985.145 Responsibilities of the department ~~juvenile~~  
 1296 ~~probation officer~~ during intake; screenings and assessments.—

1297 (1) The department ~~juvenile probation officer~~ shall serve  
 1298 as the primary case manager for the purpose of managing,  
 1299 coordinating, and monitoring the services provided to the child.  
 1300 Each program administrator within the Department of Children and

1301 Families ~~Family Services~~ shall cooperate with the primary case  
 1302 manager in carrying out the duties and responsibilities  
 1303 described in this section. In addition to duties specified in  
 1304 other sections and through departmental rules, the department  
 1305 ~~assigned juvenile probation officer~~ shall be responsible for the  
 1306 following:

1307 (a) Reviewing probable cause affidavit.—The department  
 1308 ~~juvenile probation officer~~ shall make a preliminary  
 1309 determination as to whether the report, affidavit, or complaint  
 1310 is complete, consulting with the state attorney as may be  
 1311 necessary. A report, affidavit, or complaint alleging that a  
 1312 child has committed a delinquent act or violation of law shall  
 1313 be made to the intake office operating in the county in which  
 1314 the child is found or in which the delinquent act or violation  
 1315 of law occurred. Any person or agency having knowledge of the  
 1316 facts may make such a written report, affidavit, or complaint  
 1317 and shall furnish to the intake office facts sufficient to  
 1318 establish the jurisdiction of the court and to support a finding  
 1319 by the court that the child has committed a delinquent act or  
 1320 violation of law.

1321 (b) Notification concerning apparent insufficiencies in  
 1322 probable cause affidavit.—In any case where the department  
 1323 ~~juvenile probation officer~~ or the state attorney finds that the  
 1324 report, affidavit, or complaint is insufficient by the standards  
 1325 for a probable cause affidavit, the department ~~juvenile~~  
 1326 ~~probation officer~~ or state attorney shall return the report,

1327 affidavit, or complaint, without delay, to the person or agency  
 1328 originating the report, affidavit, or complaint or having  
 1329 knowledge of the facts or to the appropriate law enforcement  
 1330 agency having investigative jurisdiction of the offense, and  
 1331 shall request, and the person or agency shall promptly furnish,  
 1332 additional information in order to comply with the standards for  
 1333 a probable cause affidavit.

1334 (c) Screening.—During the intake process, the department  
 1335 ~~juvenile probation officer~~ shall screen each child or shall  
 1336 cause each child to be screened in order to determine:

1337 1. Appropriateness for release; referral to a diversionary  
 1338 program, including, but not limited to, a teen court program;  
 1339 referral for community arbitration; or referral to some other  
 1340 program or agency for the purpose of nonofficial or nonjudicial  
 1341 handling.

1342 2. The presence of medical, psychiatric, psychological,  
 1343 substance abuse, educational, or career and technical education  
 1344 ~~vocational~~ problems, or other conditions that may have caused  
 1345 the child to come to the attention of law enforcement or the  
 1346 department. The child shall also be screened to determine  
 1347 whether the child poses a danger to himself or herself or others  
 1348 in the community. The results of this screening shall be made  
 1349 available to the court and to court officers. In cases where  
 1350 such conditions are identified and a nonjudicial handling of the  
 1351 case is chosen, the department ~~juvenile probation officer~~ shall  
 1352 attempt to refer the child to a program or agency, together with

1353 all available and relevant assessment information concerning the  
 1354 child's precipitating condition.

1355 (d) Completing risk assessment instrument.—The department  
 1356 ~~juvenile probation officer~~ shall ensure that a risk assessment  
 1357 instrument establishing the child's eligibility for detention  
 1358 has been accurately completed and that the appropriate  
 1359 recommendation was made to the court.

1360 (e) Rights.—The department ~~juvenile probation officer~~  
 1361 shall inquire as to whether the child understands his or her  
 1362 rights to counsel and against self-incrimination.

1363 (f) Multidisciplinary assessment.—The department ~~juvenile~~  
 1364 ~~probation officer~~ shall coordinate the multidisciplinary  
 1365 assessment when required, which includes the classification and  
 1366 placement process that determines the child's priority needs,  
 1367 risk classification, and treatment plan. When sufficient  
 1368 evidence exists to warrant a comprehensive assessment and the  
 1369 child fails to voluntarily participate in the assessment  
 1370 efforts, the department ~~juvenile probation officer~~ shall inform  
 1371 the court of the need for the assessment and the refusal of the  
 1372 child to participate in such assessment. This assessment,  
 1373 classification, and placement process shall develop into the  
 1374 predisposition report.

1375 (g) Comprehensive assessment.—The department ~~juvenile~~  
 1376 ~~probation officer~~, pursuant to uniform procedures established by  
 1377 the department and upon determining that the report, affidavit,  
 1378 or complaint is complete, shall:

1379           1. Perform the preliminary screening and make referrals  
 1380 for a comprehensive assessment regarding the child's need for  
 1381 substance abuse treatment services, mental health services,  
 1382 intellectual disability services, literacy services, or other  
 1383 educational or treatment services.

1384           2. If indicated by the preliminary screening, provide for  
 1385 a comprehensive assessment of the child and family for substance  
 1386 abuse problems, using community-based licensed programs with  
 1387 clinical expertise and experience in the assessment of substance  
 1388 abuse problems.

1389           3. If indicated by the preliminary screening, provide for  
 1390 a comprehensive assessment of the child and family for mental  
 1391 health problems, using community-based psychologists,  
 1392 psychiatrists, or other licensed mental health professionals who  
 1393 have clinical expertise and experience in the assessment of  
 1394 mental health problems.

1395           (h) Referrals for services.—The department ~~juvenile~~  
 1396 ~~probation officer~~ shall make recommendations for services and  
 1397 facilitate the delivery of those services to the child,  
 1398 including any mental health services, educational services,  
 1399 family counseling services, family assistance services, and  
 1400 substance abuse services.

1401           (i) Recommendation concerning a petition.—Upon determining  
 1402 that the report, affidavit, or complaint complies with the  
 1403 standards of a probable cause affidavit and that the interests  
 1404 of the child and the public will be best served, the department

1405 ~~juvenile probation officer~~ may recommend that a delinquency  
 1406 petition not be filed. If such a recommendation is made, the  
 1407 department ~~juvenile probation officer~~ shall advise in writing  
 1408 the person or agency making the report, affidavit, or complaint,  
 1409 the victim, if any, and the law enforcement agency having  
 1410 investigative jurisdiction over the offense of the  
 1411 recommendation; the reasons therefor; and that the person or  
 1412 agency may submit, within 10 days after the receipt of such  
 1413 notice, the report, affidavit, or complaint to the state  
 1414 attorney for special review. The state attorney, upon receiving  
 1415 a request for special review, shall consider the facts presented  
 1416 by the report, affidavit, or complaint, and by the department  
 1417 ~~juvenile probation officer~~ who made the recommendation that no  
 1418 petition be filed, before making a final decision as to whether  
 1419 a petition or information should or should not be filed.

1420 (j) Completing intake report.—Subject to the interagency  
 1421 agreement authorized under this paragraph, ~~the juvenile~~  
 1422 ~~probation officer for each case in which a child is alleged to~~  
 1423 ~~have committed a violation of law or delinquent act and is not~~  
 1424 ~~detained~~ the department shall submit a written report to the  
 1425 state attorney for each case in which a child is alleged to have  
 1426 committed a violation of law or delinquent act and is not  
 1427 detained. The report shall be submitted within 20 days after  
 1428 the date the child is taken into custody and include ~~including~~  
 1429 the original police report, complaint, or affidavit, or a copy  
 1430 thereof, and ~~including~~ a copy of the child's prior juvenile

1431 ~~record, within 20 days after the date the child is taken into~~  
 1432 ~~custody.~~ In cases in which the child is in detention, the intake  
 1433 office report must be submitted within 24 hours after the child  
 1434 is placed into detention. The intake office report may include a  
 1435 recommendation that a petition or information be filed or that  
 1436 no petition or information be filed and may set forth reasons  
 1437 for the recommendation. The state attorney and the department  
 1438 may, on a district-by-district basis, enter into interagency  
 1439 agreements denoting the cases that will require a recommendation  
 1440 and those for which a recommendation is unnecessary.

1441 (2) Prior to requesting that a delinquency petition be  
 1442 filed or prior to filing a dependency petition, the department  
 1443 ~~juvenile probation officer~~ may request the parent or legal  
 1444 guardian of the child to attend a course of instruction in  
 1445 parenting skills, training in conflict resolution, and the  
 1446 practice of nonviolence; to accept counseling; or to receive  
 1447 other assistance from any agency in the community which notifies  
 1448 the clerk of the court of the availability of its services.  
 1449 Where appropriate, the department ~~juvenile probation officer~~  
 1450 shall request both parents or guardians to receive such parental  
 1451 assistance. The department ~~juvenile probation officer~~ may, in  
 1452 determining whether to request that a delinquency petition be  
 1453 filed, take into consideration the willingness of the parent or  
 1454 legal guardian to comply with such request. The parent or  
 1455 guardian must provide the department ~~juvenile probation officer~~  
 1456 with identifying information, including the parent's or

1457 guardian's name, address, date of birth, social security number,  
 1458 and driver's license number or identification card number in  
 1459 order to comply with s. 985.039.

1460 (3) When indicated by the comprehensive assessment, the  
 1461 department is authorized to contract within appropriated funds  
 1462 for services with a local nonprofit community mental health or  
 1463 substance abuse agency licensed or authorized under chapter 394  
 1464 or chapter 397 or other authorized nonprofit social service  
 1465 agency providing related services. The determination of mental  
 1466 health or substance abuse services shall be conducted in  
 1467 coordination with existing programs providing mental health or  
 1468 substance abuse services in conjunction with the intake office.

1469 (4) Client information resulting from the screening and  
 1470 evaluation shall be documented under rules of the department and  
 1471 shall serve to assist the department ~~juvenile probation officer~~  
 1472 in providing the most appropriate services and recommendations  
 1473 in the least intrusive manner. Such client information shall be  
 1474 used in the multidisciplinary assessment and classification of  
 1475 the child, but such information, and any information obtained  
 1476 directly or indirectly through the assessment process, is  
 1477 inadmissible in court prior to the disposition hearing, unless  
 1478 the child's written consent is obtained. At the disposition  
 1479 hearing, documented client information shall serve to assist the  
 1480 court in making the most appropriate custody, adjudicatory, and  
 1481 dispositional decision.

1482 (5) If the screening and assessment indicate that the

1483 interests of the child and the public will be best served, the  
 1484 department ~~juvenile probation officer~~, with the approval of the  
 1485 state attorney, may refer the child for care, diagnostic, and  
 1486 evaluation services; substance abuse treatment services; mental  
 1487 health services; intellectual disability services; a  
 1488 diversionary, arbitration, or mediation program; community  
 1489 service work; or other programs or treatment services  
 1490 voluntarily accepted by the child and the child's parents or  
 1491 legal guardian. If a child volunteers to participate in any work  
 1492 program under this chapter or volunteers to work in a specified  
 1493 state, county, municipal, or community service organization  
 1494 supervised work program or to work for the victim, the child is  
 1495 considered an employee of the state for the purposes of  
 1496 liability. In determining the child's average weekly wage,  
 1497 unless otherwise determined by a specific funding program, all  
 1498 remuneration received from the employer is considered a  
 1499 gratuity, and the child is not entitled to any benefits  
 1500 otherwise payable under s. 440.15 regardless of whether the  
 1501 child may be receiving wages and remuneration from other  
 1502 employment with another employer and regardless of the child's  
 1503 future wage-earning capacity.

1504 (6) The victim, if any, and the law enforcement agency  
 1505 that investigated the offense shall be notified immediately by  
 1506 the state attorney of the action taken under subsection (5).

1507 Section 11. Section 985.17, Florida Statutes, is created  
 1508 to read:

1509           985.17 Prevention services.-  
 1510           (1) Prevention decreases recidivism by addressing the  
 1511 needs of at-risk youth and their families, prevents further  
 1512 involvement into the juvenile justice system, protects public  
 1513 safety, and facilitates successful re-entry into the community.  
 1514 To assist with decreasing recidivism, the department's  
 1515 prevention services should strengthen protective factors, reduce  
 1516 risk factors, and should utilize tested and effective  
 1517 approaches.  
 1518           (2) The department's prevention services shall be to  
 1519 develop capacity for local communities to serve their youth.  
 1520           (a) The department shall engage faith and community-based  
 1521 organizations to provide a full range of voluntary programs and  
 1522 services to prevent and reduce juvenile delinquency, including,  
 1523 but not limited to, chaplaincy services, crisis intervention  
 1524 counseling, mentoring, and tutoring.  
 1525           (b) The department shall establish volunteer coordinators  
 1526 in each circuit and encourage the recruitment of volunteers to  
 1527 serve as mentors for youth in department services.  
 1528           (c) The department shall promote the Invest in Children  
 1529 license plate to help fund programs and services to prevent  
 1530 juvenile delinquency. The department shall allocate moneys for  
 1531 programs and services within each county based on that county's  
 1532 proportionate share of the license plate annual use fee  
 1533 collected by the county.  
 1534           (3) The department's prevention services for youth at risk

1535 of becoming delinquent should focus on preventing initial or  
 1536 further involvement into the juvenile justice system by  
 1537 including services such as literacy services, gender-specific  
 1538 programming, recreational and after-school services, and should  
 1539 include targeted services to troubled, truant, ungovernable,  
 1540 abused, trafficked, or runaway youth. To decrease the likelihood  
 1541 that a youth will commit a delinquent act, the department should  
 1542 utilize mentoring and may provide specialized services  
 1543 addressing the strengthening of families, job training, and  
 1544 substance abuse.

1545 (4) The department's prevention services should address  
 1546 the multiple needs of youth at risk of becoming delinquent in  
 1547 order to decrease the prevalence of disproportionate minority  
 1548 representation in the juvenile justice system.

1549 (5) The department shall expend funds related to the  
 1550 prevention services in a manner consistent with the policies  
 1551 expressed in ss. 984.02 and 985.01 and in a manner that  
 1552 maximizes accountability to the public and ensures the  
 1553 documentation of outcomes.

1554 (a) As a condition of receipt of state funds, all  
 1555 entities that receive or use state moneys to fund prevention  
 1556 services through contracts with the department or grants from  
 1557 any entity dispersed by the department shall:

1558 1. Design the programs providing such services to further  
 1559 one or more of the following strategies:

1560 a. Encouraging youth to attend and succeed in school,

1561 which may include special assistance and tutoring to address  
1562 deficiencies in academic performance and collecting outcome data  
1563 to reveal the number of days youth attended school while  
1564 participating in the program.

1565 b. Engaging youth in productive and wholesome activities  
1566 during non-school hours that build positive character, instill  
1567 positive values, and enhance educational experiences.

1568 c. Encouraging youth to avoid the use of violence.

1569 d. Assisting youth to acquire skills needed to find  
1570 meaningful employment, which may include assistance in finding a  
1571 suitable employer for the youth.

1572 2. Provide the department with demographic information,  
1573 dates of services, and the type of interventions received by  
1574 each youth.

1575 (b) The department shall monitor output and outcome  
1576 measures for each program strategy in paragraph (a) and annually  
1577 report the outputs and outcomes in the Comprehensive  
1578 Accountability Report.

1579 (c) The department shall monitor all state-funded programs  
1580 that receive or use state moneys to fund the juvenile  
1581 delinquency prevention services through contracts or grants with  
1582 the department for compliance with all provisions in the  
1583 contracts and grants.

1584 Section 12. Section 985.24, Florida Statutes, is amended  
1585 to read:

1586 985.24 Use of detention; prohibitions.—

1587 (1) All determinations and court orders regarding the use  
 1588 of ~~secure, nonsecure, or home~~ detention care shall be based  
 1589 primarily upon findings that the child:  
 1590 (a) Presents a substantial risk of not appearing at a  
 1591 subsequent hearing;  
 1592 (b) Presents a substantial risk of inflicting bodily harm  
 1593 on others as evidenced by recent behavior, including the illegal  
 1594 possession of a firearm;  
 1595 (c) Presents a history of committing a property offense  
 1596 prior to adjudication, disposition, or placement;  
 1597 (d) Has committed contempt of court by:  
 1598 1. Intentionally disrupting the administration of the  
 1599 court;  
 1600 2. Intentionally disobeying a court order; or  
 1601 3. Engaging in a punishable act or speech in the court's  
 1602 presence which shows disrespect for the authority and dignity of  
 1603 the court; or  
 1604 (e) Requests protection from imminent bodily harm.  
 1605 (2) A child alleged to have committed a delinquent act or  
 1606 violation of law may not be placed into secure~~7~~ or nonsecure~~7~~ ~~or~~  
 1607 ~~home~~ detention care for any of the following reasons:  
 1608 (a) To allow a parent to avoid his or her legal  
 1609 responsibility.  
 1610 (b) To permit more convenient administrative access to the  
 1611 child.  
 1612 (c) To facilitate further interrogation or investigation.

1613 (d) Due to a lack of more appropriate facilities.  
 1614 (3) A child alleged to be dependent under chapter 39 may  
 1615 not, under any circumstances, be placed into secure detention  
 1616 care.

1617 (4) The department is authorized, within the department's  
 1618 existing resources, to develop non-secure, non-residential  
 1619 evening reporting centers as an alternative to placing a child  
 1620 in secure detention. Evening reporting centers may be collocated  
 1621 with a juvenile assessment center. If established, evening  
 1622 reporting centers shall serve children and families who are  
 1623 awaiting a child's court hearing and, at a minimum, operate  
 1624 during the afternoon and evening hours to provide a highly  
 1625 structured program of supervision. Evening reporting centers  
 1626 may also provide academic tutoring, counseling, family  
 1627 engagement programs, and other activities.

1628 ~~(5)~~(4) The department shall continue to identify  
 1629 alternatives to secure detention care and shall develop such  
 1630 alternatives and annually submit them to the Legislature for  
 1631 authorization and appropriation.

1632 Section 13. Paragraph (b) of subsection (2) and subsection  
 1633 (4) of section 985.245, Florida Statutes, are amended to read:

1634 985.245 Risk assessment instrument.—

1635 (2)

1636 (b) The risk assessment instrument shall take into  
 1637 consideration, but need not be limited to, prior history of  
 1638 failure to appear, prior offenses, offenses committed pending

1639 adjudication, any unlawful possession of a firearm, theft of a  
 1640 motor vehicle or possession of a stolen motor vehicle, and  
 1641 probation status at the time the child is taken into custody.  
 1642 The risk assessment instrument shall also take into  
 1643 consideration appropriate aggravating and mitigating  
 1644 circumstances, and shall be designed to target a narrower  
 1645 population of children than s. 985.255. The risk assessment  
 1646 instrument shall also include any information concerning the  
 1647 child's history of abuse and neglect. The risk assessment shall  
 1648 indicate whether detention care is warranted, and, if detention  
 1649 care is warranted, whether the child should be placed into  
 1650 secure, or nonsecure, ~~or home~~ detention care.

1651 (4) For a child who is under the supervision of the  
 1652 department through probation, ~~home detention,~~ nonsecure  
 1653 detention, conditional release, postcommitment probation, or  
 1654 commitment and who is charged with committing a new offense, the  
 1655 risk assessment instrument may be completed and scored based on  
 1656 the underlying charge for which the child was placed under the  
 1657 supervision of the department and the new offense.

1658 Section 14. Subsection (1) of section 985.25, Florida  
 1659 Statutes, is amended to read:

1660 985.25 Detention intake.—

1661 (1) The department ~~juvenile probation officer~~ shall  
 1662 receive custody of a child who has been taken into custody from  
 1663 the law enforcement agency or court and shall review the facts  
 1664 in the law enforcement report or probable cause affidavit and

1665 make such further inquiry as may be necessary to determine  
 1666 whether detention care is appropriate ~~required~~.

1667 (a) During the period of time from the taking of the child  
 1668 into custody to the date of the detention hearing, the initial  
 1669 decision as to the child's placement into secure ~~detention care,~~  
 1670 or nonsecure detention care, ~~or home detention care~~ shall be  
 1671 made by the department ~~juvenile probation officer~~ under ss.  
 1672 985.24 and 985.245(1).

1673 (b) The department ~~juvenile probation officer~~ shall base  
 1674 the decision whether or not to place the child into secure  
 1675 ~~detention care, home detention care,~~ or nonsecure detention care  
 1676 on an assessment of risk in accordance with the risk assessment  
 1677 instrument and procedures developed by the department under s.  
 1678 985.245. However, a child charged with possessing or discharging  
 1679 a firearm on school property in violation of s. 790.115 shall be  
 1680 placed in secure detention care. Any child who has been taken  
 1681 into custody on three or more separate occasions within a 60 day  
 1682 period shall be placed in secure detention care until the  
 1683 child's detention hearing.

1684 (c) If the ~~juvenile probation officer determines that a~~  
 1685 ~~child~~ final score on the child's risk assessment instrument  
 1686 indicates who is eligible for detention care is appropriate, but  
 1687 the department otherwise determines the child based upon the  
 1688 results of the risk assessment instrument should be released,  
 1689 the department ~~juvenile probation officer~~ shall contact the  
 1690 state attorney, who may authorize release.

1691           (d) If the final score on the risk assessment instrument  
 1692 indicates detention is not appropriate ~~authorized~~, the child may  
 1693 be released by the department ~~juvenile probation officer~~ in  
 1694 accordance with ss. 985.115 and 985.13.

1695  
 1696 Under no circumstances shall the department ~~juvenile probation~~  
 1697 ~~officer~~ or the state attorney or law enforcement officer  
 1698 authorize the detention of any child in a jail or other facility  
 1699 intended or used for the detention of adults, without an order  
 1700 of the court.

1701           Section 15. Paragraphs (d), (e), (h), (i), and (j) of  
 1702 subsection (1), subsection (2), and paragraphs (a) and (c) of  
 1703 subsection (3) of section 985.255, Florida Statutes, are amended  
 1704 to read:

1705           985.255 Detention criteria; detention hearing.-

1706           (1) Subject to s. 985.25(1), a child taken into custody  
 1707 and placed into secure or nonsecure ~~or home~~ detention care shall  
 1708 be given a hearing within 24 hours after being taken into  
 1709 custody. At the hearing, the court may order continued  
 1710 detention ~~or detained in secure detention care prior to a~~  
 1711 ~~detention hearing may continue to be detained by the court if:~~

1712           (d) The child is charged with committing an offense of  
 1713 domestic violence as defined in s. 741.28 and is detained as  
 1714 provided in subsection (2).

1715           (e) The child is charged with possession or discharging a  
 1716 firearm on school property in violation of s. 790.115, or the

1717 illegal possession of a firearm.

1718 (h) The child is alleged to have violated the conditions  
 1719 of the child's probation or conditional release supervision.  
 1720 However, a child detained under this paragraph may be held only  
 1721 in a consequence unit as provided in s. 985.439. If a  
 1722 consequence unit is not available, the child shall be placed on  
 1723 nonsecure ~~home~~ detention with electronic monitoring.

1724 (i) The child is detained on a judicial order for failure  
 1725 to appear and has previously willfully failed to appear, after  
 1726 proper notice:7

1727 1. for an adjudicatory hearing on the same case regardless  
 1728 of the results of the risk assessment instrument; or

1729 2. at two or more court hearings of any nature on the same  
 1730 case regardless of the results of the risk assessment  
 1731 instrument.

1732  
 1733 A child may be held in secure detention for up to 72 hours in  
 1734 advance of the next scheduled court hearing pursuant to this  
 1735 paragraph. The child's failure to keep the clerk of court and  
 1736 defense counsel informed of a current and valid mailing address  
 1737 where the child will receive notice to appear at court  
 1738 proceedings does not provide an adequate ground for excusal of  
 1739 the child's nonappearance at the hearings.

1740 ~~(j) The child is detained on a judicial order for failure~~  
 1741 ~~to appear and has previously willfully failed to appear, after~~  
 1742 ~~proper notice, at two or more court hearings of any nature on~~

1743 ~~the same case regardless of the results of the risk assessment~~  
 1744 ~~instrument. A child may be held in secure detention for up to 72~~  
 1745 ~~hours in advance of the next scheduled court hearing pursuant to~~  
 1746 ~~this paragraph. The child's failure to keep the clerk of court~~  
 1747 ~~and defense counsel informed of a current and valid mailing~~  
 1748 ~~address where the child will receive notice to appear at court~~  
 1749 ~~proceedings does not provide an adequate ground for excusal of~~  
 1750 ~~the child's nonappearance at the hearings.~~

1751 (2) A child who is charged with committing an offense of  
 1752 domestic violence as defined in s. 741.28 and whose risk  
 1753 assessment instrument indicates secure detention is not  
 1754 appropriate ~~who does not meet detention criteria~~ may be held in  
 1755 secure detention if the court makes specific written findings  
 1756 that:

- 1757 (a) Respite care for the child is not available.
- 1758 (b) It is necessary to place the child in secure detention
- 1759 in order to protect the victim from injury.

1760  
 1761 The child may not be held in secure detention under this  
 1762 subsection for more than 48 hours unless ordered by the court.  
 1763 After 48 hours, the court shall hold a hearing if the state  
 1764 attorney or victim requests that secure detention be continued.  
 1765 The child may continue to be held in detention care if the court  
 1766 makes a specific, written finding that respite care is  
 1767 unavailable and it ~~detention care~~ is necessary to protect the  
 1768 victim from injury. However, the child may not be held in

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1769 detention care beyond the time limits set forth in this section  
1770 or s. 985.26.

1771 (3) (a) ~~A child who meets any of the criteria in subsection~~  
1772 ~~(1) and who is ordered to be detained under that subsection~~  
1773 ~~shall be given a hearing within 24 hours after being taken into~~  
1774 ~~eustody.~~ The purpose of the detention hearing required under  
1775 subsection (1) is to determine the existence of probable cause  
1776 that the child has committed the delinquent act or violation of  
1777 law that he or she is charged with and the need for continued  
1778 detention. Unless a child is detained under paragraph (1) (d) or  
1779 paragraph (1) (e), the court shall use the results of the risk  
1780 assessment performed by the department juvenile probation  
1781 ~~officer~~ and, based on the criteria in subsection (1), shall  
1782 determine the need for continued detention. ~~A child placed into~~  
1783 ~~secure, nonsecure, or home detention care may continue to be so~~  
1784 ~~detained by the court.~~

1785 (c) Except as provided in s. 790.22(8) or in s. 985.27,  
1786 when a child is placed into secure or nonsecure detention care,  
1787 or into a respite home or other placement pursuant to a court  
1788 order following a hearing, the court order must include specific  
1789 instructions that direct the release of the child from such  
1790 placement no later than 5 p.m. on the last day of the detention  
1791 period specified in s. 985.26 or s. 985.27, whichever is  
1792 applicable, unless the requirements of such applicable provision  
1793 have been met or an order of continuance has been granted under  
1794 s. 985.26(4). If the court order does not include a date of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1795 release, the release date should be requested of the court on  
 1796 the same date the child was placed in detention care. If a  
 1797 subsequent hearing is needed to provide additional information  
 1798 to the court for safety planning, the initial order placing the  
 1799 child in detention care should reflect the next detention review  
 1800 hearing, which should be held within three calendar days of the  
 1801 child's initial detention placement.

1802 Section 16. Subsections (1), (2), and (3) of section  
 1803 985.26, Florida Statutes, are amended to read:

1804 985.26 Length of detention.—

1805 (1) A child may not be placed into or held in secure, or  
 1806 ~~nonsecure, or home~~ detention care for longer than 24 hours  
 1807 unless the court orders such detention care, and the order  
 1808 includes specific instructions that direct the release of the  
 1809 child from such detention care, in accordance with s. 985.255.  
 1810 The order shall be a final order, reviewable by appeal under s.  
 1811 985.534 and the Florida Rules of Appellate Procedure. Appeals of  
 1812 such orders shall take precedence over other appeals and other  
 1813 pending matters.

1814 (2) A child may not be held in secure, or nonsecure, ~~or~~  
 1815 ~~home~~ detention care under a special detention order for more  
 1816 than 21 days unless an adjudicatory hearing for the case has  
 1817 been commenced in good faith by the court. However, upon good  
 1818 cause being shown that the nature of the charge requires  
 1819 additional time for the prosecution or defense of the case, the  
 1820 court may extend the length of detention for an additional 9

1821 days if the child is charged with an offense that would be, if  
 1822 committed by an adult, a capital felony, a life felony, a felony  
 1823 of the first degree, or a felony of the second degree involving  
 1824 violence against any individual.

1825 (3) Except as provided in subsection (2), a child may not  
 1826 be held in secure, or nonsecure, ~~or home~~ detention care for more  
 1827 than 15 days following the entry of an order of adjudication.

1828 Section 17. Section 985.265, Florida Statutes, is amended  
 1829 to read:

1830 985.265 Detention transfer and release; education; adult  
 1831 jails.—

1832 (1) If a child is detained under this part, the department  
 1833 may transfer the child from nonsecure ~~or home~~ detention care to  
 1834 secure detention care only if significantly changed  
 1835 circumstances warrant such transfer.

1836 (2) If a child is on release status and not detained under  
 1837 this part, the child may be placed into secure, or nonsecure, ~~or~~  
 1838 ~~home~~ detention care only pursuant to a court hearing in which  
 1839 the original risk assessment instrument, and the ~~rescored based~~  
 1840 ~~on~~ newly discovered evidence or changed circumstances are  
 1841 introduced into evidence with a rescored risk assessment  
 1842 instrument ~~with the results recommending detention, is~~  
 1843 ~~introduced into evidence.~~

1844 (3) (a) When a juvenile sexual offender is placed in  
 1845 detention, detention staff shall provide appropriate monitoring  
 1846 and supervision to ensure the safety of other children in the

1847 facility.

1848 (b) When a juvenile ~~sexual offender, under this~~  
 1849 ~~subsection,~~ is released from secure detention or transferred to  
 1850 ~~home detention or~~ nonsecure detention, detention staff shall  
 1851 immediately notify the appropriate law enforcement agency, and  
 1852 school personnel, and victim, if the juvenile is charged with  
 1853 any of the following offenses, or attempt to commit the  
 1854 following offenses:

- 1855 1. Murder, under s. 782.04;
- 1856 2. Sexual battery, under ch. 794;
- 1857 3. Stalking, under s. 784.048; or
- 1858 4. Domestic violence, as defined in s. 741.28.

1859 (4) (a) While a child who is currently enrolled in school  
 1860 is in nonsecure ~~or home~~ detention care, the child shall continue  
 1861 to attend school unless otherwise ordered by the court.

1862 (b) While a child is in secure detention care, the child  
 1863 shall receive education commensurate with his or her grade level  
 1864 and educational ability.

1865 (5) The court shall order the delivery of a child to a  
 1866 jail or other facility intended or used for the detention of  
 1867 adults:

1868 (a) When the child has been transferred or indicted for  
 1869 criminal prosecution as an adult under part X, except that the  
 1870 court may not order or allow a child alleged to have committed a  
 1871 misdemeanor who is being transferred for criminal prosecution  
 1872 pursuant to either s. 985.556 or s. 985.557 to be detained or

1873 held in a jail or other facility intended or used for the  
 1874 detention of adults; however, such child may be held temporarily  
 1875 in a detention facility; or

1876 (b) When a child taken into custody in this state is  
 1877 wanted by another jurisdiction for prosecution as an adult.

1878  
 1879 The child shall be housed separately from adult inmates to  
 1880 prohibit a child from having regular contact with incarcerated  
 1881 adults, including trustees. "Regular contact" means sight and  
 1882 sound contact. Separation of children from adults shall permit  
 1883 no more than haphazard or accidental contact. The receiving jail  
 1884 or other facility shall contain a separate section for children  
 1885 and shall have an adequate staff to supervise and monitor the  
 1886 child's activities at all times. Supervision and monitoring of  
 1887 children includes physical observation and documented checks by  
 1888 jail or receiving facility supervisory personnel at intervals  
 1889 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit  
 1890 placing two or more children in the same cell. Under no  
 1891 circumstances shall a child be placed in the same cell with an  
 1892 adult.

1893 Section 18. Section 985.27, Florida Statutes, is amended  
 1894 to read:

1895 985.27 Post disposition ~~Postcommitment~~ detention while  
 1896 awaiting commitment placement.—

1897 (1) The court must place all children who are adjudicated  
 1898 and awaiting placement in a commitment program in detention

1899 care. Children who are in ~~home detention care~~ or nonsecure  
 1900 detention care may be placed on electronic monitoring.

1901 (a) ~~A child who is awaiting placement in a low-risk~~  
 1902 ~~residential program must be removed from detention within 5~~  
 1903 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
 1904 ~~child held in secure detention during the 5 days must meet~~  
 1905 ~~detention admission criteria under this part. A child who is~~  
 1906 ~~placed in home detention care, nonsecure detention care, or home~~  
 1907 ~~or nonsecure detention care with electronic monitoring, while~~  
 1908 ~~awaiting placement in a minimum-risk or low-risk program, may be~~  
 1909 ~~held in secure detention care for 5 days, if the child violates~~  
 1910 ~~the conditions of the home detention care, the nonsecure~~  
 1911 ~~detention care, or the electronic monitoring agreement. For any~~  
 1912 ~~subsequent violation, the court may impose an additional 5 days~~  
 1913 ~~in secure detention care.~~

1914 (b) A child who is awaiting placement in a nonsecure  
 1915 ~~moderate-risk~~ residential program must be removed from detention  
 1916 within 5 days, excluding Saturdays, Sundays, and legal holidays.  
 1917 Any child held in secure detention during the 5 days must meet  
 1918 detention admission criteria under this part. The department may  
 1919 seek an order from the court authorizing continued detention for  
 1920 a specific period of time necessary for the appropriate  
 1921 residential placement of the child. However, such continued  
 1922 detention in secure detention care may not exceed 15 days after  
 1923 entry of the commitment order, excluding Saturdays, Sundays, and  
 1924 legal holidays, and except as otherwise provided in this

1925 section. A child who is placed in ~~home detention care~~, nonsecure  
 1926 detention care, or ~~home or~~ nonsecure detention care with  
 1927 electronic monitoring, while awaiting placement in a nonsecure  
 1928 residential ~~moderate-risk~~ program, may be held in secure  
 1929 detention care for 5 days, if the child violates the conditions  
 1930 of the ~~home detention care~~, the nonsecure detention care, or the  
 1931 electronic monitoring agreement. For any subsequent violation,  
 1932 the court may impose an additional 5 days in secure detention  
 1933 care.

1934 (b)-(e) If the child is committed to a high-risk  
 1935 residential program, the child must be held in secure detention  
 1936 care until placement or commitment is accomplished.

1937 (c)-(d) If the child is committed to a maximum-risk  
 1938 residential program, the child must be held in secure detention  
 1939 care until placement or commitment is accomplished.

1940 (2) Regardless of detention status, a child being  
 1941 transported by the department to a residential commitment  
 1942 facility of the department may be placed in secure detention  
 1943 overnight, not to exceed a 24-hour period, for the specific  
 1944 purpose of ensuring the safe delivery of the child to his or her  
 1945 residential commitment program, court, appointment, transfer, or  
 1946 release.

1947 Section 19. Subsection (1) of section 985.275, Florida  
 1948 Statutes, is amended to read:

1949 985.275 Detention of escapee or absconder on authority of  
 1950 the department.—

1951 (1) If an authorized agent of the department has  
 1952 reasonable grounds to believe that any delinquent child  
 1953 committed to the department has escaped from a residential  
 1954 commitment facility or from being lawfully transported thereto  
 1955 or therefrom, or has absconded from a nonresidential commitment  
 1956 facility, the agent shall notify law enforcement; and if the  
 1957 offense would require notification under ch. 960, notify the  
 1958 victim. The agent shall make every reasonable effort as  
 1959 permitted within existing resources provided to the department  
 1960 to locate the delinquent child and the child may be returned to  
 1961 the facility ~~take the child into active custody and may deliver~~  
 1962 ~~the child to the facility~~ or, if it is closer, to a detention  
 1963 center for return to the facility. However, a child may not be  
 1964 held in detention longer than 24 hours, excluding Saturdays,  
 1965 Sundays, and legal holidays, unless a special order so directing  
 1966 is made by the judge after a detention hearing resulting in a  
 1967 finding that detention is required based on the criteria in s.  
 1968 985.255. The order shall state the reasons for such finding. The  
 1969 reasons shall be reviewable by appeal or in habeas corpus  
 1970 proceedings in the district court of appeal.

1971 Section 20. Paragraph (b) of subsection (4), paragraph (h)  
 1972 of subsection (6), and paragraphs (a) and (c) of subsection (7)  
 1973 of section 985.433, Florida Statutes, is amended to read:

1974 985.433 Disposition hearings in delinquency cases.—When a  
 1975 child has been found to have committed a delinquent act, the  
 1976 following procedures shall be applicable to the disposition of

1977 the case:

1978 (4) Before the court determines and announces the  
 1979 disposition to be imposed, it shall:

1980 (b) Discuss with the child his or her compliance with any  
 1981 predisposition ~~home release~~ plan or other plan imposed since the  
 1982 date of the offense.

1983 (6) The first determination to be made by the court is a  
 1984 determination of the suitability or nonsuitability for  
 1985 adjudication and commitment of the child to the department. This  
 1986 determination shall include consideration of the recommendations  
 1987 of the department, which may include a predisposition report.  
 1988 The predisposition report shall include, whether as part of the  
 1989 child's multidisciplinary assessment, classification, and  
 1990 placement process components or separately, evaluation of the  
 1991 following criteria:

1992 (h) The child's educational status, including, but not  
 1993 limited to, the child's strengths, abilities, and unmet and  
 1994 special educational needs. The report shall identify appropriate  
 1995 educational and career ~~vocational~~ goals for the child. Examples  
 1996 of appropriate goals include:

- 1997 1. Attainment of a high school diploma or its equivalent.
- 1998 2. Successful completion of literacy course(s).
- 1999 3. Successful completion of career and technical education  
 2000 ~~vocational~~ course(s).
- 2001 4. Successful attendance and completion of the child's  
 2002 current grade or recovery of credits of classes the child

2003 previously failed, if enrolled in school.

2004 5. Enrollment in an apprenticeship or a similar program.

2005  
 2006 It is the intent of the Legislature that the criteria set forth  
 2007 in this subsection are general guidelines to be followed at the  
 2008 discretion of the court and not mandatory requirements of  
 2009 procedure. It is not the intent of the Legislature to provide  
 2010 for the appeal of the disposition made under this section.

2011 (7) If the court determines that the child should be  
 2012 adjudicated as having committed a delinquent act and should be  
 2013 committed to the department, such determination shall be in  
 2014 writing or on the record of the hearing. The determination shall  
 2015 include a specific finding of the reasons for the decision to  
 2016 adjudicate and to commit the child to the department, including  
 2017 any determination that the child was a member of a criminal  
 2018 gang.

2019 (a) The department ~~juvenile probation officer~~ shall  
 2020 recommend to the court the most appropriate placement and  
 2021 treatment plan, specifically identifying the restrictiveness  
 2022 level most appropriate for the child if commitment is  
 2023 recommended. If the court has determined that the child was a  
 2024 member of a criminal gang, that determination shall be given  
 2025 great weight in identifying the most appropriate restrictiveness  
 2026 level for the child. The court shall consider the department's  
 2027 recommendation in making its commitment decision.

2028 (c) The court may also require that the child be placed in

2029 a probation program following the child's discharge from  
 2030 commitment. Community-based sanctions under subsection (8) may  
 2031 be imposed by the court at the disposition hearing or at any  
 2032 time prior to the child's release from commitment.

2033 Section 21. Subsection (3) and current subsection (4) of  
 2034 section 985.435, Florida Statutes, are amended to read, a new  
 2035 subsection (4) is created, and current subsections (4) through  
 2036 (6) are renumbered to subsections (5) through (7):

2037 985.435 Probation and postcommitment probation; community  
 2038 service.—

2039 (3) A probation program must also include a rehabilitative  
 2040 program component such as a requirement of participation in  
 2041 substance abuse treatment or in a school or ~~other~~ career and  
 2042 technical educational program. The nonconsent of the child to  
 2043 treatment in a substance abuse treatment program in no way  
 2044 precludes the court from ordering such treatment. Upon the  
 2045 recommendation of the department at the time of disposition, or  
 2046 subsequent to disposition pursuant to the filing of a petition  
 2047 alleging a violation of the child's conditions of postcommitment  
 2048 probation, the court may order the child to submit to random  
 2049 testing for the purpose of detecting and monitoring the use of  
 2050 alcohol or controlled substances.

2051 (4) A probation program may also include an alternative  
 2052 consequence component to address instances in which a child is  
 2053 noncompliant with technical conditions of his or her probation,  
 2054 but has not committed any new-law violations. The alternative

2055 consequence component is designed to provide swift and  
 2056 appropriate consequences to any noncompliance with technical  
 2057 conditions of probation. If the probation program includes this  
 2058 component, specific consequences that apply to noncompliance  
 2059 with specific technical conditions of probation must be detailed  
 2060 in the disposition order.

2061 (5) An identification of the child's risk to re-offend ~~A~~  
 2062 ~~classification scale for levels of supervision~~ shall be provided  
 2063 by the department, taking into account the child's needs and  
 2064 risks relative to probation supervision requirements to  
 2065 reasonably ensure the public safety. Probation programs for  
 2066 children shall be supervised by the department or by any other  
 2067 person or agency specifically authorized by the court. These  
 2068 programs must include, but are not limited to, structured or  
 2069 restricted activities as described in this section and s.  
 2070 985.439, and shall be designed to encourage the child toward  
 2071 acceptable and functional social behavior.

2072 Section 22. Subsection (1) and subsection (4) of section  
 2073 985.439, Florida Statutes, are amended to read:

2074 985.439 Violation of probation or postcommitment  
 2075 probation.—

2076 (1) (a) This section is applicable when the court has  
 2077 jurisdiction over a child on probation or postcommitment  
 2078 probation, regardless of adjudication ~~an adjudicated delinquent~~  
 2079 ~~child.~~

2080 (b) If the conditions of the probation program or the

2081 postcommitment probation program are violated, the department or  
 2082 the state attorney may bring the child before the court on a  
 2083 petition alleging a violation of the program. Any child who  
 2084 violates the conditions of probation or postcommitment probation  
 2085 must be brought before the court if sanctions are sought.

2086 (4) Upon the child's admission, or if the court finds  
 2087 after a hearing that the child has violated the conditions of  
 2088 probation or postcommitment probation, the court shall enter an  
 2089 order revoking, modifying, or continuing probation or  
 2090 postcommitment probation. In each such case, the court shall  
 2091 enter a new disposition order and, in addition to the sanctions  
 2092 set forth in this section, may impose any sanction the court  
 2093 could have imposed at the original disposition hearing. If the  
 2094 child is found to have violated the conditions of probation or  
 2095 postcommitment probation, the court may:

2096 (a) Place the child in a consequence unit in that judicial  
 2097 circuit, if available, for up to 5 days for a first violation  
 2098 and up to 15 days for a second or subsequent violation.

2099 (b) Place the child in ~~on~~ nonsecure ~~home~~ detention with  
 2100 electronic monitoring. However, this sanction may be used only  
 2101 if a residential consequence unit is not available.

2102 (c) If the violation of probation is technical in nature,  
 2103 and not a new-law violation, place the child in an alternative  
 2104 consequence program designed to provide swift and appropriate  
 2105 consequences to any further violations of probation.

2106 1. Alternative consequence programs shall be established,

2107 within existing resources, at the local level in coordination  
 2108 with law enforcement agencies, the chief judge of the circuit,  
 2109 the state attorney, the public defender.

2110 2. Alternative consequence programs may be operated by an  
 2111 entity such as a law enforcement agency, the department, a  
 2112 juvenile assessment center, a county or municipality, or another  
 2113 entity selected by the department.

2114 3. Upon placing a child in an alternative consequence  
 2115 program, the court must approve specific consequences for  
 2116 specific violations of the conditions of probation.

2117 (d) Modify or continue the child's probation program or  
 2118 postcommitment probation program.

2119 (e) ~~(d)~~ Revoke probation or postcommitment probation and  
 2120 commit the child to the department.

2121 Section 23. Subsection (2) of section 985.441, Florida  
 2122 Statutes, is amended to read:

2123 985.441 Commitment.—

2124 (2) Notwithstanding subsection (1), the court having  
 2125 jurisdiction over an adjudicated delinquent child whose  
 2126 underlying offense is was a misdemeanor, or a child who is  
 2127 currently on probation for a misdemeanor, may not commit the  
 2128 child for any misdemeanor offense or any probation violation  
 2129 that is technical in nature, and not a new-law violation, at a  
 2130 restrictiveness level other than minimum-risk nonresidential  
 2131 ~~unless the probation violation is a new violation of law~~  
 2132 ~~constituting a felony.~~ However, the court may commit such child

2133 to a nonsecure ~~low-risk or moderate-risk~~ residential placement  
 2134 if:

2135 (a) The child has previously been adjudicated or had  
 2136 adjudication withheld for a felony offense;

2137 (b) The child has previously been adjudicated or had  
 2138 adjudication withheld for three or more misdemeanor offenses  
 2139 within the last eighteen months;

2140 (c) The child is before the court for disposition for a  
 2141 violation of s. 800.03, s. 806.031, or s. 828.12; or

2142 (d) The court finds by a preponderance of the evidence  
 2143 that the protection of the public requires such placement or  
 2144 that the particular needs of the child would be best served by  
 2145 such placement. Such finding must be in writing.

2146 Section 24. Paragraph (a) of subsection (1) and subsection  
 2147 (5) of section 985.46, Florida Statutes, are amended to read:

2148 985.46 Conditional release.—

2149 (1) The Legislature finds that:

2150 (a) Conditional release is the care, treatment, help, ~~and~~  
 2151 supervision, and provision of transition-to-adulthood services  
 2152 to ~~provided~~ juveniles released from residential commitment  
 2153 programs to promote rehabilitation and prevent recidivism.

2154 (5) Participation in the educational program by students  
 2155 of compulsory school attendance age pursuant to s. 1003.21(1)  
 2156 and (2)(a) is mandatory for juvenile justice youth on  
 2157 conditional release or postcommitment probation status. A  
 2158 student of noncompulsory school-attendance age who has not

2159 received a high school diploma or its equivalent must  
 2160 participate in an ~~the~~ educational program or career and  
 2161 technical education courses. A youth who has received a high  
 2162 school diploma or its equivalent and is not employed must  
 2163 participate in workforce development or other career or  
 2164 technical education or attend a community college or a  
 2165 university while in the program, subject to available funding.

2166 Section 25. Subsections (1), (2), (3), (4), and (5) of  
 2167 section 985.461, Florida Statutes, are amended to read:

2168 985.461 Transition to adulthood.—

2169 (1) The Legislature finds that ~~elder~~ youth are faced with  
 2170 the need to learn how to support themselves within legal means  
 2171 and overcome the stigma of being delinquent. In most cases,  
 2172 parents expedite this transition. It is the intent of the  
 2173 Legislature that the department provide ~~elder~~ youth in its  
 2174 custody or under its supervision with opportunities for  
 2175 participating in transition-to-adulthood services while in the  
 2176 department's commitment programs or in probation or conditional  
 2177 release programs in the community. These services should be  
 2178 reasonable and appropriate for the youths' respective ages or  
 2179 special needs and provide activities that build life skills and  
 2180 increase the ability to live independently and become self-  
 2181 sufficient.

2182 (2) Youth served by the department who are in the custody  
 2183 of the Department of Children and Families ~~Family Services~~ and  
 2184 who entered juvenile justice placement from a foster care

2185 placement, if otherwise eligible, may receive independent living  
 2186 transition services pursuant to s. 409.1451. Court-ordered  
 2187 commitment or probation with the department is not a barrier to  
 2188 eligibility for the array of services available to a youth who  
 2189 is in the dependency foster care system only.

2190 (3) For a dependent child in the foster care system,  
 2191 adjudication for delinquency does not, by itself, disqualify  
 2192 such child for eligibility in the Department of Children and  
 2193 Families' ~~Family Services'~~ independent living program.

2194 (4) As part of the child's treatment plan, the department  
 2195 may provide transition-to-adulthood services to children  
 2196 released from residential commitment. To support participation  
 2197 in transition-to-adulthood services and subject to  
 2198 appropriation, the department may:

2199 (a) Assess the child's skills and abilities to live  
 2200 independently and become self-sufficient. The specific services  
 2201 to be provided shall be determined using an assessment of his or  
 2202 her readiness for adult life.

2203 (b) Utilize community re-entry teams to assist in the  
 2204 development of ~~Develop~~ a list of age-appropriate activities and  
 2205 responsibilities to be incorporated in the child's written case  
 2206 plan for any youth ~~17 years of age or older~~ who is under the  
 2207 custody or supervision of the department. Community re-entry  
 2208 teams may include representatives from school districts, law  
 2209 enforcement, workforce development services, community based  
 2210 service providers, and the youth's family. Such community re-

2211 entry teams must be created within existing resources provided  
 2212 to the department. Activities may include, but are not limited  
 2213 to, life skills training, including training to develop banking  
 2214 and budgeting skills, interviewing and career planning skills,  
 2215 parenting skills, personal health management, and time  
 2216 management or organizational skills; educational support;  
 2217 employment training; and counseling.

2218 (c) Provide information related to social security  
 2219 insurance benefits and public assistance.

2220 (d) Request parental or guardian permission for the youth  
 2221 to participate in transition-to-adulthood services. Upon such  
 2222 consent, age-appropriate activities shall be incorporated into  
 2223 the youth's written case plan. This plan may include specific  
 2224 goals and objectives and shall be reviewed and updated at least  
 2225 quarterly. If the parent or guardian is cooperative, the plan  
 2226 may not interfere with the parent's or guardian's rights to  
 2227 nurture and train his or her child in ways that are otherwise in  
 2228 compliance with the law and court order.

2229 (e) Contract for transition-to-adulthood services that  
 2230 include residential services and assistance and allow the child  
 2231 to live independently of the daily care and supervision of an  
 2232 adult in a setting that is not licensed under s. 409.175. A  
 2233 child under the care or supervision of the department ~~who has~~  
 2234 ~~reached 17 years of age but is not yet 19 years of age~~ is  
 2235 eligible for such services if he or she does not pose a danger  
 2236 to the public and is able to demonstrate minimally sufficient

2237 skills and aptitude for living under decreased adult  
 2238 supervision, as determined by the department, using established  
 2239 procedures and assessments.

2240 (f) Assist the child in building a portfolio of educational  
 2241 and vocational accomplishments, necessary identification,  
 2242 resumes and cover letters in an effort to enhance the child's  
 2243 employability.

2244 (g) Collaborate with school district contacts to facilitate  
 2245 appropriate educational services based on the child's identified  
 2246 needs.

2247 (5) For a child ~~who is 17 years of age or older,~~ under the  
 2248 department's care or supervision, and without benefit of parents  
 2249 or legal guardians capable of assisting the child in the  
 2250 transition to adult life, the department may provide an  
 2251 assessment to determine the child's skills and abilities to live  
 2252 independently and become self-sufficient. Based on the  
 2253 assessment and within existing resources, services and training  
 2254 may be provided in order to develop the necessary skills and  
 2255 abilities ~~before the child's 18th birthday.~~

2256 Section 26. Paragraph (b) of subsection (3) of section  
 2257 985.481, Florida Statutes, is amended to read:

2258 985.481 Sexual offenders adjudicated delinquent;  
 2259 notification upon release.—

2260 (3)

2261 (b) ~~The No later than November 1, 2007,~~ the department  
 2262 must make the information described in subparagraph (a)1.

2263 available electronically to the Department of Law Enforcement in  
 2264 its database and in a format that is compatible with the  
 2265 requirements of the Florida Crime Information Center.

2266 Section 27. Subsection (5) of section 985.4815, Florida  
 2267 Statutes, is amended to read:

2268 985.4815 Notification to Department of Law Enforcement of  
 2269 information on juvenile sexual offenders.—

2270 (5) In addition to notification and transmittal  
 2271 requirements imposed by any other provision of law, the  
 2272 department shall compile information on any sexual offender and  
 2273 provide the information to the Department of Law Enforcement.  
 2274 ~~The No later than November 1, 2007, the~~ department must make the  
 2275 information available electronically to the Department of Law  
 2276 Enforcement in its database in a format that is compatible with  
 2277 the requirements of the Florida Crime Information Center.

2278 Section 28. Subsection (12) is created and paragraph (a)  
 2279 of subsection (3), and paragraph (a) of subsection (9) of  
 2280 section 985.601, Florida Statutes, are amended to read:

2281 985.601 Administering the juvenile justice continuum.—

2282 (3)(a) The department shall develop or contract for  
 2283 diversified and innovative programs to provide rehabilitative  
 2284 treatment, including early intervention and prevention,  
 2285 diversion, comprehensive intake, case management, diagnostic and  
 2286 classification assessments, trauma-informed care, individual and  
 2287 family counseling, family engagement resources and programs,  
 2288 gender-specific programming, shelter care, diversified detention

2289 care emphasizing alternatives to secure detention, diversified  
 2290 probation, halfway houses, foster homes, community-based  
 2291 substance abuse treatment services, community-based mental  
 2292 health treatment services, community-based residential and  
 2293 nonresidential programs, mother-infant programs, and  
 2294 environmental programs. The department may pay expenses in  
 2295 support of innovative programs and activities that address  
 2296 identified needs and the well-being of children in the  
 2297 department's care or under its supervision subject to chs. 215,  
 2298 216, and 287. Each program shall place particular emphasis on  
 2299 reintegration and conditional release for all children in the  
 2300 program.

2301 (9) (a) The department shall operate a statewide,  
 2302 regionally administered system of detention services for  
 2303 children, in accordance with a comprehensive plan for the  
 2304 regional administration of all detention services in the state.  
 2305 The plan must provide for the maintenance of adequate  
 2306 availability of detention services for all counties. The plan  
 2307 must cover all the department's operating circuits, with each  
 2308 operating circuit having access to a secure facility and  
 2309 nonsecure ~~and home~~ detention programs, and the plan may be  
 2310 altered or modified by the Department of Juvenile Justice as  
 2311 necessary.

2312 Section 29. Section 985.605, Florida Statutes, is  
 2313 repealed.

2314 Section 30. Section 985.606, Florida Statutes, is

2315 repealed.

2316 Section 31. Section 985.61, Florida Statutes, is repealed.

2317 Section 32. Section 985.632, Florida Statutes, is amended

2318 to read:

2319 985.632 Quality improvement ~~assurance~~ and cost-

2320 effectiveness.—

2321 (1) It is the intent of the Legislature that the

2322 department establish a performance accountability system for

2323 each provider who contracts with the department for the delivery

2324 of services to children. The contract shall include both output

2325 measures, such as the number of children served, and outcome

2326 measures including program completion and post-completion

2327 recidivism. Each contractor shall report performance results to

2328 the department annually. The department's Bureau of Research and

2329 Planning shall summarize performance results from all contracts

2330 and report the information to the Legislature annually in the

2331 Comprehensive Accountability Report. The report shall:

2332 (a) Ensure that information be provided to decisionmakers

2333 in a timely manner so that resources are allocated to programs

2334 that of the department which achieve desired performance levels.

2335 (b) Provide information about the cost of such programs

2336 and their differential effectiveness so that the quality of such

2337 programs can be compared and improvements made continually.

2338 (c) Provide information to aid in developing related

2339 policy issues and concerns.

2340 (d) Provide information to the public about the

2341 effectiveness of such programs in meeting established goals and  
 2342 objectives.

2343 (e) Provide a basis for a system of accountability so that  
 2344 each child ~~client~~ is afforded the best programs to meet his or  
 2345 her needs.

2346 (f) Improve service delivery to children ~~clients~~, through  
 2347 the use of technical assistance.

2348 (g) Modify or eliminate activities or programs that are  
 2349 not effective.

2350 (h) Collect and analyze available statistical data for the  
 2351 purpose of ongoing evaluation of all programs.

2352 (2) As used in this section, the term:

2353 ~~(a) "Client" means any person who is being provided~~  
 2354 ~~treatment or services by the department or by a provider under~~  
 2355 ~~contract with the department.~~

2356 (a) "Program" means any facility or service for youth that  
 2357 is operated by the department or by a provider under contract  
 2358 with the department.

2359 (b) "Program component" means an aggregation of generally  
 2360 related objectives which, because of their special character,  
 2361 related workload, and interrelated output, can logically be  
 2362 considered an entity for purposes of organization, management,  
 2363 accounting, reporting, and budgeting.

2364 ~~(c) "Program effectiveness" means the ability of the~~  
 2365 ~~program to achieve desired client outcomes, goals, and~~  
 2366 ~~objectives.~~

2367 (c) "Program group" means a collection of programs with  
 2368 sufficient similarity of functions, services, and youth to  
 2369 permit appropriate comparison amongst programs within the group.

2370 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.- The department,  
 2371 in consultation with contract service providers, shall develop  
 2372 and use a standard methodology for annually measuring,  
 2373 evaluating, and reporting program outputs and youth outcomes for  
 2374 each program and program group. The standard methodology must:

2375 (a) Include common terminology and operational definitions  
 2376 for measuring the performance of system and program  
 2377 administration, program outputs, and program outcomes.

2378 (b) Specify program outputs for each program and for each  
 2379 program group within the juvenile justice continuum.

2380 (c) Specify desired child outcomes and methods by which to  
 2381 measure child outcomes for each program and program group.  
 2382 ~~annually collect and report cost data for every program operated~~  
 2383 ~~or contracted by the department. The cost data shall conform to~~  
 2384 ~~a format approved by the department and the Legislature. Uniform~~  
 2385 ~~cost data shall be reported and collected for state-operated and~~  
 2386 ~~contracted programs so that comparisons can be made among~~  
 2387 ~~programs. The department shall ensure that there is accurate~~  
 2388 ~~cost accounting for state-operated services including market-~~  
 2389 ~~equivalent rent and other shared cost. The cost of the~~  
 2390 ~~educational program provided to a residential facility shall be~~  
 2391 ~~reported and included in the cost of a program. The department~~  
 2392 ~~shall submit an annual cost report to the President of the~~

2393 ~~Senate, the Speaker of the House of Representatives, the~~  
 2394 ~~Minority Leader of each house of the Legislature, the~~  
 2395 ~~appropriate substantive and fiscal committees of each house of~~  
 2396 ~~the Legislature, and the Governor, no later than December 1 of~~  
 2397 ~~each year. Cost-benefit analysis for educational programs will~~  
 2398 ~~be developed and implemented in collaboration with and in~~  
 2399 ~~cooperation with the Department of Education, local providers,~~  
 2400 ~~and local school districts. Cost data for the report shall~~  
 2401 ~~include data collected by the Department of Education for the~~  
 2402 ~~purposes of preparing the annual report required by s.~~  
 2403 ~~1003.52(19).~~

2404 (4) ~~(a)~~ Cost-effectiveness model.— The department, in  
 2405 consultation with the Office of Economic and Demographic  
 2406 Research and contract service providers, shall develop a cost-  
 2407 effectiveness model and apply the model to each commitment  
 2408 program. ~~Program recidivism rates shall be a component of the~~  
 2409 ~~model.~~

2410 (a) The cost-effectiveness model shall compare program  
 2411 costs to expected and actual child recidivism rates ~~client~~  
 2412 ~~outcomes and program outputs~~. It is the intent of the  
 2413 Legislature that continual development efforts take place to  
 2414 improve the validity and reliability of the cost-effectiveness  
 2415 model.

2416 (b) The department shall rank commitment programs based on  
 2417 the cost-effectiveness model, performance measures, and  
 2418 adherence to quality improvement standards and shall ~~submit a~~

2419 | report this data in the annual Comprehensive Accountability  
 2420 | Report to the appropriate substantive and fiscal committees of  
 2421 | ~~each house of the Legislature by December 31 of each year.~~

2422 | (c) Based on reports of the department on child client  
 2423 | outcomes and program outputs and on the department's most recent  
 2424 | cost-effectiveness rankings, the department may terminate a  
 2425 | program operated by the department or a provider if the program  
 2426 | has failed to achieve a minimum standard threshold of program  
 2427 | effectiveness. This paragraph does not preclude the department  
 2428 | from terminating a contract as provided under this section or as  
 2429 | otherwise provided by law or contract, and does not limit the  
 2430 | department's authority to enter into or terminate a contract.

2431 | (d) In collaboration with the Office of Economic and  
 2432 | Demographic Research, and contract service providers, the  
 2433 | department shall develop a work plan to refine the cost-  
 2434 | effectiveness model so that the model is consistent with the  
 2435 | performance-based program budgeting measures approved by the  
 2436 | Legislature to the extent the department deems appropriate. The  
 2437 | department shall notify the Office of Program Policy Analysis  
 2438 | and Government Accountability of any meetings to refine the  
 2439 | model.

2440 | (e) Contingent upon specific appropriation, the  
 2441 | department, in consultation with the Office of Economic and  
 2442 | Demographic Research, and contract service providers, shall:

2443 | 1. Construct a profile of each commitment program that  
 2444 | uses the results of the quality improvement assurance report

2445 required by this section, the cost-effectiveness report required  
 2446 in this subsection, and other reports available to the  
 2447 department.

2448 2. Target, for a more comprehensive evaluation, any  
 2449 commitment program that has achieved consistently high, low, or  
 2450 disparate ratings in the reports required under subparagraph 1  
 2451 and target, for technical assistance, any commitment program  
 2452 that has achieved low or disparate ratings in the reports  
 2453 required under subparagraph 1.

2454 3. Identify the essential factors that contribute to the  
 2455 high, low, or disparate program ratings.

2456 4. Use the results of these evaluations in developing or  
 2457 refining juvenile justice programs or program models, child  
 2458 ~~elient~~ outcomes and program outputs, provider contracts, quality  
 2459 improvement assurance standards, and the cost-effectiveness  
 2460 model.

2461 (5) The department shall:

2462 (a) Establish a comprehensive quality improvement  
 2463 ~~assurance~~ system for each program operated by the department or  
 2464 operated by a provider under contract with the department. Each  
 2465 contract entered into by the department must provide for quality  
 2466 improvement assurance.

2467 (b) Provide operational definitions of and criteria for  
 2468 quality improvement assurance for each specific program  
 2469 component.

2470 (c) Establish quality improvement assurance goals and

2471 objectives for each specific program component.

2472 (d) Establish the information and specific data elements  
 2473 required for the quality improvement ~~assurance~~ program.

2474 (e) Develop a quality improvement ~~assurance~~ manual of  
 2475 specific, standardized terminology and procedures to be followed  
 2476 by each program.

2477 (f) Evaluate each program operated by the department or a  
 2478 provider under a contract with the department annually and  
 2479 establish minimum standards ~~thresholds~~ for each program  
 2480 component. If a provider fails to meet the established minimum  
 2481 standards ~~thresholds~~, such failure shall cause the department to  
 2482 cancel the provider's contract unless the provider achieves  
 2483 compliance with minimum standards ~~thresholds~~ within 6 months or  
 2484 unless there are documented extenuating circumstances. In  
 2485 addition, the department may not contract with the same provider  
 2486 for the canceled service for a period of 12 months. If a  
 2487 department-operated program fails to meet the established  
 2488 minimum standards ~~thresholds~~, the department must take necessary  
 2489 and sufficient steps to ensure and document program changes to  
 2490 achieve compliance with the established minimum standards  
 2491 ~~thresholds~~. If the department-operated program fails to achieve  
 2492 compliance with the established minimum standards ~~thresholds~~  
 2493 within 6 months and if there are no documented extenuating  
 2494 circumstances, the department must notify the Executive Office  
 2495 of the Governor and the Legislature of the corrective action  
 2496 taken. Appropriate corrective action may include, but is not

2497 limited to:

2498 1. Contracting out for the services provided in the

2499 program;

2500 2. Initiating appropriate disciplinary action against all

2501 employees whose conduct or performance is deemed to have

2502 materially contributed to the program's failure to meet

2503 established minimum thresholds;

2504 3. Redesigning the program; or

2505 4. Realigning the program.

2506

2507 (6) The department shall submit the Comprehensive

2508 Accountability Report ~~an annual report~~ to the President of the

2509 Senate, the Speaker of the House of Representatives, the

2510 Minority Leader of each house of the Legislature, the

2511 appropriate substantive and fiscal committees of each house of

2512 the Legislature, and the Governor, no later than February 1 of

2513 each year. The Comprehensive Accountability Report ~~annual report~~

2514 must contain, at a minimum, for each specific program component:

2515 a comprehensive description of the population served by the

2516 program; a specific description of the services provided by the

2517 program; cost; a comparison of expenditures to federal and state

2518 funding; immediate and long-range concerns; and recommendations

2519 to maintain, expand, improve, modify, or eliminate each program

2520 component so that changes in services lead to enhancement in

2521 program quality. The department shall ensure the reliability and

2522 validity of the information contained in the report.

2523           ~~(7)~~~~(6)~~ The department shall collect and analyze available  
 2524 statistical data for the purpose of ongoing evaluation of all  
 2525 programs. The department shall provide the Legislature with  
 2526 necessary information and reports to enable the Legislature to  
 2527 make informed decisions regarding the effectiveness of, and any  
 2528 needed changes in, services, programs, policies, and laws.

2529           Section 33. Paragraph (a) of subsection (1) and paragraph  
 2530 (b) of subsection (3) of section 985.644, Florida Statutes, is  
 2531 amended to read:

2532           985.644 Departmental contracting powers; personnel  
 2533 standards and investigation ~~screening~~.-

2534           (1) The department may contract with the Federal  
 2535 Government, other state departments and agencies, county and  
 2536 municipal governments and agencies, public and private agencies,  
 2537 and private individuals and corporations in carrying out the  
 2538 purposes of, and the responsibilities established in, this  
 2539 chapter.

2540           (a) Each contract entered into by the department for  
 2541 services delivered on an appointment or intermittent basis by a  
 2542 provider that does not have regular custodial responsibility for  
 2543 children and each contract with a school for ~~before or after~~care  
 2544 services must ensure that all owners, operators, and personnel  
 2545 who have direct contact with children are subject to level 2  
 2546 background screening pursuant to chapter 435.

2547           (3)

2548           (b) ~~Except for~~ law enforcement, correctional, and

2549 correctional probation officers, certified pursuant to s.  
 2550 943.13, are not required to submit to Level 2 screenings so long  
 2551 as they are currently employed by a law enforcement agency or  
 2552 correctional facility. ~~to whom s. 943.13(5) applies,~~ The  
 2553 department shall electronically submit to the Department of Law  
 2554 Enforcement:

2555 1. Fingerprint information obtained during the employment  
 2556 screening required by subparagraph (a)1.

2557 2. Fingerprint information for all persons employed by the  
 2558 department, or by a provider under contract with the department,  
 2559 in delinquency facilities, services, or programs if such  
 2560 fingerprint information has not previously been electronically  
 2561 submitted pursuant to this section ~~to the Department of Law~~  
 2562 ~~Enforcement under this paragraph.~~

2563 Section 34. Section 985.6441, Florida Statutes, is created  
 2564 to read:

2565 985.6441 Health Care Services.-

2566 (1) As used in this section, the term:

2567 (a) "Hospital" means a hospital licensed under ch. 395;

2568 and

2569 (b) "Health care provider" has the same meaning as  
 2570 provided in s. 766.105.

2571 (2) When compensating health care providers, the  
 2572 department must comply with the following reimbursement  
 2573 limitations:

2574 (a) Payments to a hospital or a health care provider may

2575 not exceed 110 percent of the Medicare allowable rate for any  
 2576 health care services provided if there is no contract between  
 2577 the department and the hospital or the health care provider  
 2578 providing services at a hospital;

2579 (b)1. The department may continue to make payments for  
 2580 health care services at the currently contracted rates through  
 2581 the current term of the contract if a contract has been executed  
 2582 between the department and a hospital or a health care provider  
 2583 providing services at a hospital;

2584 2. Payments may not exceed 110 percent of the Medicare  
 2585 allowable rate after the current term of the contract expires or  
 2586 after the contract is renewed during the 2013-2014 fiscal year;

2587 (c) Payments may not exceed 110 percent of the Medicare  
 2588 allowable rate under a contract executed on or after July 1,  
 2589 2014, between the department and a hospital or a health care  
 2590 provider providing services at a hospital; and

2591 (d) Notwithstanding paragraphs (a)-(c), the department may  
 2592 pay up to 125 percent of the Medicare allowable rate for health  
 2593 care services at a hospital that reports, or has reported,  
 2594 negative operating margin for the previous fiscal year to the  
 2595 Agency for Health Care Administration through hospital-audited  
 2596 financial data.

2597 Section 35. Subsections (1), (2), and (3) of section  
 2598 985.66, Florida Statutes, are amended to read:

2599 985.66 Juvenile justice training ~~academies~~; staff  
 2600 development and training; Juvenile Justice Training Trust Fund.—

2601 (1) LEGISLATIVE PURPOSE.—In order to enable the state to  
 2602 provide a systematic approach to staff development and training  
 2603 for judges, state attorneys, public defenders, law enforcement  
 2604 officers, school district personnel, and juvenile justice  
 2605 program staff that will meet the needs of such persons in their  
 2606 discharge of duties while at the same time meeting the  
 2607 requirements for the American Correction Association  
 2608 accreditation by the Commission on Accreditation for  
 2609 Corrections, it is the purpose of the Legislature to require the  
 2610 department to establish, maintain, and oversee the operation of  
 2611 juvenile justice training, programs, and courses ~~academies~~ in  
 2612 the state. The purpose of the Legislature in establishing staff  
 2613 development and training programs is to provide employees of the  
 2614 department, any private or public entity, or contract providers  
 2615 who provide services or care for youth under the responsibility  
 2616 of the department with the knowledge and skills to appropriately  
 2617 interact with youth and provide such care ~~foster better staff~~  
 2618 ~~morale and reduce mistreatment and aggressive and abusive~~  
 2619 ~~behavior in delinquency programs;~~ to positively impact the  
 2620 recidivism of children in the juvenile justice system; and to  
 2621 afford greater protection of the public through an improved  
 2622 level of services delivered by a professionally trained juvenile  
 2623 justice ~~program~~ staff to children who are alleged to be or who  
 2624 have been found to be delinquent.

2625 (2) STAFF DEVELOPMENT AND TRAINING.—

2626 The department shall:

2627 (a) Designate the number and location of the training  
 2628 programs and courses; assess, design, ~~academies,~~ develop,  
 2629 implement, evaluate, maintain, and update the curriculum to be  
 2630 used in the training of juvenile justice ~~program~~ staff;  
 2631 establish timeframes for participation in and completion of  
 2632 training by juvenile justice ~~program~~ staff; develop, implement,  
 2633 score, analyze, maintain, and update job-related examinations;  
 2634 develop, implement, analyze, and update the types and  
 2635 frequencies ~~of~~ for evaluations of the training programs,  
 2636 courses, and instructors ~~academies;~~ and manage ~~approve, modify,~~  
 2637 ~~or disapprove~~ the budget and contracts for all the training  
 2638 deliverables ~~academies, and the contractor to be selected to~~  
 2639 ~~organize and operate the training academies and to provide the~~  
 2640 ~~training curriculum.~~

2641 (b) Establish uniform minimum job-related pre-service and  
 2642 in-service training courses and examinations for juvenile  
 2643 justice program staff.

2644 (c) Consult and cooperate with the state or any political  
 2645 subdivision; any private entity or contractor; and with private  
 2646 and public universities, colleges, community colleges, and other  
 2647 educational institutions concerning the development of juvenile  
 2648 justice training and programs or courses of instruction,  
 2649 including, but not limited to, education and training in the  
 2650 areas of juvenile justice.

2651 (d) Enter into contracts and agreements with other  
 2652 agencies, organizations, associations, corporations,

2653 individuals, or federal agencies as necessary in the execution  
 2654 of the powers of the department or the performance of its  
 2655 duties.

2656 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department  
 2657 shall establish a certifiable program for juvenile justice  
 2658 training pursuant to this section, and all department program  
 2659 staff and providers who deliver direct care services pursuant to  
 2660 contract with the department shall be required to participate in  
 2661 and successfully complete the department-approved program of  
 2662 training pertinent to their areas of responsibility. Judges,  
 2663 state attorneys, and public defenders, law enforcement officers,  
 2664 ~~and school district personnel,~~ and employees of contract  
 2665 providers who provide services or care for youth under the  
 2666 responsibility of the department may participate in such  
 2667 training program. For the juvenile justice program staff, the  
 2668 department shall, based on a job-task analysis:

2669 (a) Design, implement, maintain, evaluate, and revise a  
 2670 basic training program, including a competency-based  
 2671 examination, for the purpose of providing minimum employment  
 2672 training qualifications for all juvenile justice personnel. All  
 2673 program staff of the department and providers who deliver  
 2674 direct-care services who are hired after October 1, 1999, must  
 2675 meet the following minimum requirements:

- 2676 1. Be at least 19 years of age.
- 2677 2. Be a high school graduate or its equivalent as
- 2678 determined by the department.

2679 3. Not have been convicted of any felony or a misdemeanor  
 2680 involving perjury or a false statement, or have received a  
 2681 dishonorable discharge from any of the Armed Forces of the  
 2682 United States. Any person who, after September 30, 1999, pleads  
 2683 guilty or nolo contendere to or is found guilty of any felony or  
 2684 a misdemeanor involving perjury or false statement is not  
 2685 eligible for employment, notwithstanding suspension of sentence  
 2686 or withholding of adjudication. Notwithstanding this  
 2687 subparagraph, any person who pled nolo contendere to a  
 2688 misdemeanor involving a false statement before October 1, 1999,  
 2689 and who has had such record of that plea sealed or expunged is  
 2690 not ineligible for employment for that reason.

2691 4. Abide by all the provisions of s. 985.644(1) regarding  
 2692 fingerprinting and background investigations and other screening  
 2693 requirements for personnel.

2694 5. Execute and submit to the department an affidavit-of-  
 2695 application form, adopted by the department, attesting to his or  
 2696 her compliance with subparagraphs 1.-4. The affidavit must be  
 2697 executed under oath and constitutes an official statement under  
 2698 s. 837.06. The affidavit must include conspicuous language that  
 2699 the intentional false execution of the affidavit constitutes a  
 2700 misdemeanor of the second degree. The employing agency shall  
 2701 retain the affidavit.

2702 (b) Design, implement, maintain, evaluate, and revise an  
 2703 advanced training program, including a competency-based  
 2704 examination for each training course, which is intended to

2705 enhance knowledge, skills, and abilities related to job  
 2706 performance.

2707 (c) Design, implement, maintain, evaluate, and revise a  
 2708 career development training program, including a competency-  
 2709 based examination for each training course. Career development  
 2710 courses are intended to prepare personnel for promotion.

2711 (d) The department is encouraged to design, implement,  
 2712 maintain, evaluate, and revise juvenile justice training  
 2713 courses, or to enter into contracts for such training courses,  
 2714 that are intended to provide for the safety and well-being of  
 2715 both citizens and juvenile offenders.

2716 Section 36. Subsection (5) of section 985.664, Florida  
 2717 Statutes, is amended to read:

2718 985.664 Juvenile justice circuit advisory boards.—

2719 ~~(5) (a) To form the initial juvenile justice circuit~~  
 2720 ~~advisory board, the Secretary of Juvenile Justice, in~~  
 2721 ~~consultation with the juvenile justice county councils in~~  
 2722 ~~existence on October 1, 2013, shall appoint the chair of the~~  
 2723 ~~board, who must meet the board membership requirements in~~  
 2724 ~~subsection (4). Within 45 days after being appointed, the chair~~  
 2725 ~~shall appoint the remaining members to the juvenile justice~~  
 2726 ~~circuit advisory board and submit the appointments to the~~  
 2727 ~~department for approval.~~

2728 ~~(b) Thereafter,~~ When a vacancy in the office of the chair  
 2729 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~  
 2730 the juvenile justice circuit advisory board, shall appoint a new

2731 chair, who must meet the board membership requirements in  
 2732 subsection (4). The chair shall appoint members to vacant seats  
 2733 within 45 days after the vacancy and submit the appointments to  
 2734 the department for approval. The chair shall serve at the  
 2735 pleasure of the Secretary of the department.

2736 Section 37. Paragraph (c) of subsection (1) and subsection  
 2737 (4) of section 985.672, Florida Statutes, are amended to read:

2738 985.672 Direct-support organization; definition; use of  
 2739 property; board of directors; audit.—

2740 (1) DEFINITION.—As used in this section, the term "direct-  
 2741 support organization" means an organization whose sole purpose  
 2742 is to support the juvenile justice system and which is:

2743 (c) Determined by the Department of Juvenile Justice to be  
 2744 consistent with the goals of the juvenile justice system, in the  
 2745 best interest of the state, and in accordance with the adopted  
 2746 goals and mission of the Department of Juvenile Justice.

2747  
 2748 Expenditures of the organization shall be ~~expressly~~ used for the  
 2749 to prevention prevent and amelioration of ~~ameliorate~~ juvenile  
 2750 delinquency. The expenditures of the direct-support organization  
 2751 may not be used for the purpose of lobbying as defined in s.  
 2752 11.045.

2753 (4) USE OF PROPERTY.—The department may permit, without  
 2754 charge, appropriate use of fixed property, and facilities, and  
 2755 personnel services of the juvenile justice system by the direct-  
 2756 support organization, subject to the provisions of this section.

2757 For the purposes of this subsection, personnel services includes  
 2758 full-time or part-time personnel, as well as payroll processing  
 2759 services.

2760 (a) The department may prescribe any condition with which  
 2761 the direct-support organization must comply in order to use  
 2762 fixed property or facilities of the juvenile justice system.

2763 (b) The department may not permit the use of any fixed  
 2764 property or facilities of the juvenile justice system by the  
 2765 direct-support organization if it does not provide equal  
 2766 membership and employment opportunities to all persons  
 2767 regardless of race, color, religion, sex, age, or national  
 2768 origin.

2769 (c) The department shall adopt rules prescribing the  
 2770 procedures by which the direct-support organization is governed  
 2771 and any conditions with which a direct-support organization must  
 2772 comply to use property or facilities of the department.

2773 Section 38. Subsections (5) through (19) of section  
 2774 985.682, Florida Statutes, are renumbered as subsections (1)  
 2775 through (15), respectively, and present subsections (1) through  
 2776 (4) and paragraph (c) of present subsection (9) are amended to  
 2777 read:

2778 985.682 Siting of facilities; study; criteria.-

2779 ~~(1) The department is directed to conduct or contract for~~  
 2780 ~~a statewide comprehensive study to determine current and future~~  
 2781 ~~needs for all types of facilities for children committed to the~~  
 2782 ~~custody, care, or supervision of the department under this~~

2783 ~~chapter.~~

2784 ~~(2) The study shall assess, rank, and designate~~

2785 ~~appropriate sites, and shall be reflective of the different~~

2786 ~~purposes and uses for all facilities, based upon the following~~

2787 ~~criteria:~~

2788 ~~(a) Current and future estimates of children originating~~

2789 ~~from each county;~~

2790 ~~(b) Current and future estimates of types of delinquent~~

2791 ~~acts committed in each county;~~

2792 ~~(c) Geographic location of existing facilities;~~

2793 ~~(d) Availability of personnel within the local labor~~

2794 ~~market;~~

2795 ~~(e) Current capacity of facilities in the area;~~

2796 ~~(f) Total usable and developable acreage of various sites~~

2797 ~~based upon the use and purpose of the facility;~~

2798 ~~(g) Accessibility of each site to existing utility,~~

2799 ~~transportation, law enforcement, health care, fire protection,~~

2800 ~~refuse collection, water, and sewage disposal services;~~

2801 ~~(h) Susceptibility of each site to flooding hazards or~~

2802 ~~other adverse natural environmental consequences;~~

2803 ~~(i) Site location in relation to desirable and undesirable~~

2804 ~~proximity to other public facilities, including schools;~~

2805 ~~(j) Patterns of residential growth and projected~~

2806 ~~population growth; and~~

2807 ~~(k) Such other criteria as the department, in conjunction~~

2808 ~~with local governments, deems appropriate.~~

2809 ~~(3) The department shall recommend certification of the~~  
 2810 ~~study by the Governor and Cabinet within 2 months after its~~  
 2811 ~~receipt.~~

2812 ~~(4) Upon certification of the study by the Governor and~~  
 2813 ~~Cabinet, the department shall notify those counties designated~~  
 2814 ~~as being in need of a facility.~~

2815 (5)~~(9)~~ The Governor and Cabinet shall consider the  
 2816 following when determining whether to grant the appeal from the  
 2817 decision of the local government on the requested modification:

2818 (c) Existing ~~The statewide study, as established in~~  
 2819 ~~subsection (1); other existing~~ studies; reports and information  
 2820 maintained by the department as the Governor and Cabinet may  
 2821 request addressing the feasibility and availability of  
 2822 alternative sites in the general area; and the need for a  
 2823 facility in the area based on the average number of petitions,  
 2824 commitments, and transfers into the criminal court from the  
 2825 county to state facilities for the most recent 3 calendar years.

2826 Section 39. Section 985.69, Florida Statutes, is amended  
 2827 to read:

2828 985.69 Repair and maintenance ~~One-time startup~~ funding for  
 2829 juvenile justice purposes.—Funds from juvenile justice  
 2830 appropriations may be utilized as ~~one-time startup~~ funding for  
 2831 juvenile justice purposes that include, but are not limited to,  
 2832 remodeling or renovation of existing facilities, ~~construction~~  
 2833 ~~costs, leasing costs,~~ purchase of equipment and furniture, site  
 2834 development, and other necessary and reasonable costs associated

2835 with the repair and maintenance ~~startup~~ of facilities or  
 2836 programs.

2837 Section 40. Section 985.694, Florida Statutes, is  
 2838 repealed.

2839 Section 41. Paragraph (a) of subsection (1) of section  
 2840 985.701, Florida Statutes, is amended to read:

2841 985.701 Sexual misconduct prohibited; reporting required;  
 2842 penalties.—

2843 (1) (a) 1. As used in this section ~~subsection~~, the term:

2844 a. "Sexual misconduct" means fondling the genital area,  
 2845 groin, inner thighs, buttocks, or breasts of a person; the oral,  
 2846 anal, or vaginal penetration by or union with the sexual organ  
 2847 of another; or the anal or vaginal penetration of another by any  
 2848 other object. The term does not include an act done for a bona  
 2849 fide medical purpose or an internal search conducted in the  
 2850 lawful performance of duty by an employee of the department or  
 2851 an employee of a provider under contract with the department.

2852 b. "Employee" includes paid staff members, volunteers, and  
 2853 interns who work in a department program or a program operated  
 2854 by a provider under a contract.

2855 c. "Juvenile offender" means any person of any age who is  
 2856 detained or supervised by, or committed to the custody of, the  
 2857 department.

2858 2. An employee who engages in sexual misconduct with a  
 2859 juvenile offender ~~detained or supervised by, or committed to the~~  
 2860 ~~custody of, the department~~ commits a felony of the second

2861 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2862 775.084. An employee may be found guilty of violating this  
 2863 subsection without having committed the crime of sexual battery.

2864 3. The consent of the juvenile offender to any act of  
 2865 sexual misconduct is not a defense to prosecution under this  
 2866 subsection.

2867 4. This subsection does not apply to an employee of the  
 2868 department, or an employee of a provider under contract with the  
 2869 department, who:

2870 a. Is legally married to a juvenile offender who is  
 2871 detained or supervised by, or committed to the custody of, the  
 2872 department.

2873 b. Has no reason to believe that the person with whom the  
 2874 employee engaged in sexual misconduct is a juvenile offender  
 2875 ~~detained or supervised by, or committed to the custody of, the~~  
 2876 ~~department.~~

2877 Section 42. Section 985.702, Florida Statutes, is created  
 2878 to read:

2879 985.702 Willful and malicious neglect of a juvenile  
 2880 offender prohibited; reporting required; penalties.-

2881 (1) As used in this section, the term:

2882 (a) "Employee" means paid staff members, volunteers, and  
 2883 interns who work in a department program or a program operated  
 2884 by a provider under a contract with the department.

2885 (b) "Juvenile offender" means any person of any age who is  
 2886 detained, or committed to the custody of, the department.

2887        (c) "Neglect" means:  
 2888        1. An employee's failure or omission to provide a juvenile  
 2889 offender with the proper level of care, supervision, and  
 2890 services necessary to maintain the juvenile offender's physical  
 2891 and mental health, including, but not limited to, adequate food,  
 2892 nutrition, clothing, shelter, supervision, medicine, and medical  
 2893 services; or  
 2894        2. An employee's failure to make a reasonable effort to  
 2895 protect a juvenile offender from abuse, neglect, or exploitation  
 2896 by another person.  
 2897        (2)(a) Any employee who willfully and maliciously neglects  
 2898 a juvenile offender without causing great bodily harm, permanent  
 2899 disability, or permanent disfigurement commits a felony of the  
 2900 third degree, punishable as provided in ss. 775.082 or 775.083.  
 2901        (b) Any employee who willfully and maliciously neglects a  
 2902 juvenile offender and in so doing causes great bodily harm,  
 2903 permanent disability, or permanent disfigurement commits a  
 2904 felony of the second degree, punishable as provided in ss.  
 2905 775.082, 775.083, or 775.084.  
 2906        (c) Notwithstanding prosecution, any violation of  
 2907 paragraphs (a) or (b), as determined by the Public Employees  
 2908 Relations Commission, constitutes sufficient cause under s.  
 2909 110.227 for dismissal from employment with the department, and  
 2910 such person may not again be employed in any capacity in the  
 2911 juvenile justice system.  
 2912        (3) An employee who witnesses the infliction of neglect

2913 upon a juvenile offender shall immediately report the incident  
 2914 to the department's incident hotline, and prepare, date, and  
 2915 sign an independent report that specifically describes the  
 2916 nature of the incident, the location and time of the incident,  
 2917 and the persons involved. The employee shall deliver the report  
 2918 to the employee's supervisor or program director, who must  
 2919 provide copies to the department's inspector general and the  
 2920 circuit juvenile justice manager. The inspector general shall  
 2921 immediately conduct an appropriate administrative investigation,  
 2922 and, if there is probable cause to believe that a violation of  
 2923 subsection (2) has occurred, the inspector general shall notify  
 2924 the state attorney in the circuit in which the incident  
 2925 occurred.

2926 (4) (a) Any person who is required to prepare a report  
 2927 under this section who knowingly or willfully fails to do so, or  
 2928 who knowingly or willfully prevents another person from doing  
 2929 so, commits a misdemeanor of the first degree, punishable as  
 2930 provided in ss. 775.082 or 775.083.

2931 (b) Any person who knowingly or willfully submits  
 2932 inaccurate, incomplete, or untruthful information with respect  
 2933 to a report required under this section commits a misdemeanor of  
 2934 the first degree, punishable as provided in ss. 775.082 or  
 2935 775.083.

2936 (c) Any person who knowingly or willfully coerces or  
 2937 threatens any other person with the intent to alter testimony or  
 2938 a written report regarding an incident of neglect upon a

2939 juvenile offender commits a felony of the third degree,  
 2940 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2941 Section 43. Subsection (2) of section 985.721, Florida  
 2942 Statutes, is amended to read:

2943 985.721 Escapes from secure detention or residential  
 2944 commitment facility.—An escape from:

2945 (2) Any residential commitment facility described in s.  
 2946 985.03(43) ~~985.03(46)~~, maintained for the custody, treatment,  
 2947 punishment, or rehabilitation of children found to have  
 2948 committed delinquent acts or violations of law; or

2949  
 2950 constitutes escape within the intent and meaning of s. 944.40  
 2951 and is a felony of the third degree, punishable as provided in  
 2952 s. 775.082, s. 775.083, or s. 775.084.

2953 Section 44. Paragraphs (c) and (f) of subsection (3) of  
 2954 section 943.0582, Florida Statutes, are amended to read:

2955 943.0582 Prearrest, postarrest, or teen court diversion  
 2956 program expunction.—

2957 (3) The department shall expunge the nonjudicial arrest  
 2958 record of a minor who has successfully completed a prearrest or  
 2959 postarrest diversion program if that minor:

2960 (c) Submits to the department, with the application, an  
 2961 official written statement from the state attorney for the  
 2962 county in which the arrest occurred certifying that he or she  
 2963 has successfully completed that county's prearrest or postarrest  
 2964 diversion program, that his or her participation in the program

2965 was based on an arrest for a nonviolent misdemeanor, and that he  
 2966 or she has not otherwise been charged by the state attorney with  
 2967 or found to have committed any criminal offense or comparable  
 2968 ordinance violation.

2969 (f) Has never, prior to filing the application for  
 2970 expunction, been charged by the state attorney with or been  
 2971 found to have committed any criminal offense or comparable  
 2972 ordinance violation.

2973 Section 45. Section 945.75, Florida Statutes, is repealed.

2974 Section 46. Paragraphs (h) through (k) of subsection (3)  
 2975 of section 121.0515, Florida Statutes, are redesignated as  
 2976 paragraphs (g) through (j) of that subsection, respectively, and  
 2977 paragraphs (e) through (i) of subsection (2), present paragraphs  
 2978 (g) and (k) of subsection (3), paragraph (b) of subsection (5),  
 2979 paragraph (d) of subsection (8), and paragraph (c) of subsection  
 2980 (10) of section are amended to read:

2981 121.0515 Special Risk Class.—

2982 (2) MEMBERSHIP.—

2983 ~~(c) Effective July 1, 2001, "special risk member" includes~~  
 2984 ~~any member who is employed as a youth custody officer by the~~  
 2985 ~~Department of Juvenile Justice and meets the special criteria~~  
 2986 ~~set forth in paragraph (3)(g).~~

2987 (e) ~~(f)~~ Effective October 1, 2005, through June 30, 2008,  
 2988 the member must be employed by a law enforcement agency or  
 2989 medical examiner's office in a forensic discipline and meet the  
 2990 special criteria set forth in paragraph (3)(g) ~~(3)(h)~~.

2991 (f)~~(g)~~ Effective July 1, 2008, the member must be employed  
 2992 by the Department of Law Enforcement in the crime laboratory or  
 2993 by the Division of State Fire Marshal in the forensic laboratory  
 2994 and meet the special criteria set forth in paragraph (3) (h)  
 2995 ~~(3) (i)~~.

2996 (g)~~(h)~~ Effective July 1, 2008, the member must be employed  
 2997 by a local government law enforcement agency or medical  
 2998 examiner's office and meet the special criteria set forth in  
 2999 paragraph (3) (i) ~~(3) (j)~~.

3000 (h)~~(i)~~ Effective August 1, 2008, "special risk member"  
 3001 includes any member who meets the special criteria for continued  
 3002 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3003 (3) CRITERIA.—A member, to be designated as a special risk  
 3004 member, must meet the following criteria:

3005 ~~(g) Effective July 1, 2001, the member must be employed as~~  
 3006 ~~a youth custody officer and be certified, or required to be~~  
 3007 ~~certified, in compliance with s. 943.1395. In addition, the~~  
 3008 ~~member's primary duties and responsibilities must be the~~  
 3009 ~~supervised custody, surveillance, control, investigation,~~  
 3010 ~~apprehension, arrest, and counseling of assigned juveniles~~  
 3011 ~~within the community;~~

3012 (j)~~(k)~~ The member must have already qualified for and be  
 3013 actively participating in special risk membership under  
 3014 paragraph (a), paragraph (b), or paragraph (c), must have  
 3015 suffered a qualifying injury as defined in this paragraph, must  
 3016 not be receiving disability retirement benefits as provided in

3017 s. 121.091(4), and must satisfy the requirements of this  
 3018 paragraph.

3019 1. The ability to qualify for the class of membership  
 3020 defined in paragraph (2)(h) ~~(2)(i)~~ occurs when two licensed  
 3021 medical physicians, one of whom is a primary treating physician  
 3022 of the member, certify the existence of the physical injury and  
 3023 medical condition that constitute a qualifying injury as defined  
 3024 in this paragraph and that the member has reached maximum  
 3025 medical improvement after August 1, 2008. The certifications  
 3026 from the licensed medical physicians must include, at a minimum,  
 3027 that the injury to the special risk member has resulted in a  
 3028 physical loss, or loss of use, of at least two of the following:  
 3029 left arm, right arm, left leg, or right leg; and:

3030 a. That this physical loss or loss of use is total and  
 3031 permanent, except if the loss of use is due to a physical injury  
 3032 to the member's brain, in which event the loss of use is  
 3033 permanent with at least 75 percent loss of motor function with  
 3034 respect to each arm or leg affected.

3035 b. That this physical loss or loss of use renders the  
 3036 member physically unable to perform the essential job functions  
 3037 of his or her special risk position.

3038 c. That, notwithstanding this physical loss or loss of  
 3039 use, the individual can perform the essential job functions  
 3040 required by the member's new position, as provided in  
 3041 subparagraph 3.

3042 d. That use of artificial limbs is not possible or does

3043 not alter the member's ability to perform the essential job  
3044 functions of the member's position.

3045 e. That the physical loss or loss of use is a direct  
3046 result of a physical injury and not a result of any mental,  
3047 psychological, or emotional injury.

3048 2. For the purposes of this paragraph, "qualifying injury"  
3049 means an injury sustained in the line of duty, as certified by  
3050 the member's employing agency, by a special risk member that  
3051 does not result in total and permanent disability as defined in  
3052 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
3053 is a physical injury to the member's physical body resulting in  
3054 a physical loss, or loss of use, of at least two of the  
3055 following: left arm, right arm, left leg, or right leg.  
3056 Notwithstanding any other provision of this section, an injury  
3057 that would otherwise qualify as a qualifying injury is not  
3058 considered a qualifying injury if and when the member ceases  
3059 employment with the employer for whom he or she was providing  
3060 special risk services on the date the injury occurred.

3061 3. The new position, as described in sub-subparagraph  
3062 1.c., that is required for qualification as a special risk  
3063 member under this paragraph is not required to be a position  
3064 with essential job functions that entitle an individual to  
3065 special risk membership. Whether a new position as described in  
3066 sub-subparagraph 1.c. exists and is available to the special  
3067 risk member is a decision to be made solely by the employer in  
3068 accordance with its hiring practices and applicable law.

3069 4. This paragraph does not grant or create additional  
 3070 rights for any individual to continued employment or to be hired  
 3071 or rehired by his or her employer that are not already provided  
 3072 within the Florida Statutes, the State Constitution, the  
 3073 Americans with Disabilities Act, if applicable, or any other  
 3074 applicable state or federal law.

3075 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3076 (b) Any member who is a special risk member on July 1,  
 3077 2008, and who became eligible to participate under paragraph  
 3078 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk  
 3079 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or  
 3080 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk  
 3081 designation removed and thereafter shall be a Regular Class  
 3082 member and earn only Regular Class membership credit. The  
 3083 department may review the special risk designation of members to  
 3084 determine whether or not those members continue to meet the  
 3085 criteria for Special Risk Class membership.

3086 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3087 (d) Notwithstanding any other provision of this  
 3088 subsection, this subsection does not apply to any special risk  
 3089 member who qualifies for continued membership pursuant to  
 3090 paragraph (3) (j) ~~(3) (k)~~.

3091 (10) CREDIT FOR UPGRADED SERVICE.—

3092 (c) Any member of the Special Risk Class who has earned  
 3093 creditable service through June 30, 2008, in another membership  
 3094 class of the Florida Retirement System in a position with the

3095 Department of Law Enforcement or the Division of State Fire  
 3096 Marshal and became covered by the Special Risk Class as  
 3097 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government  
 3098 law enforcement agency or medical examiner's office and became  
 3099 covered by the Special Risk Class as described in paragraph  
 3100 (3) (i) ~~(3) (j)~~, which service is within the purview of the  
 3101 Special Risk Class, and is employed in such position on or after  
 3102 July 1, 2008, may purchase additional retirement credit to  
 3103 upgrade such service to Special Risk Class service, to the  
 3104 extent of the percentages of the member's average final  
 3105 compensation provided in s. 121.091(1)(a)2. The cost for such  
 3106 credit must be an amount representing the actuarial accrued  
 3107 liability for the difference in accrual value during the  
 3108 affected period of service. The cost shall be calculated using  
 3109 the discount rate and other relevant actuarial assumptions that  
 3110 were used to value the Florida Retirement System Pension Plan  
 3111 liabilities in the most recent actuarial valuation. The division  
 3112 shall ensure that the transfer sum is prepared using a formula  
 3113 and methodology certified by an enrolled actuary. The cost must  
 3114 be paid immediately upon notification by the division. The local  
 3115 government employer may purchase the upgraded service credit on  
 3116 behalf of the member if the member has been employed by that  
 3117 employer for at least 3 years.

3118 Section 47. This act shall take effect July 1, 2014.

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